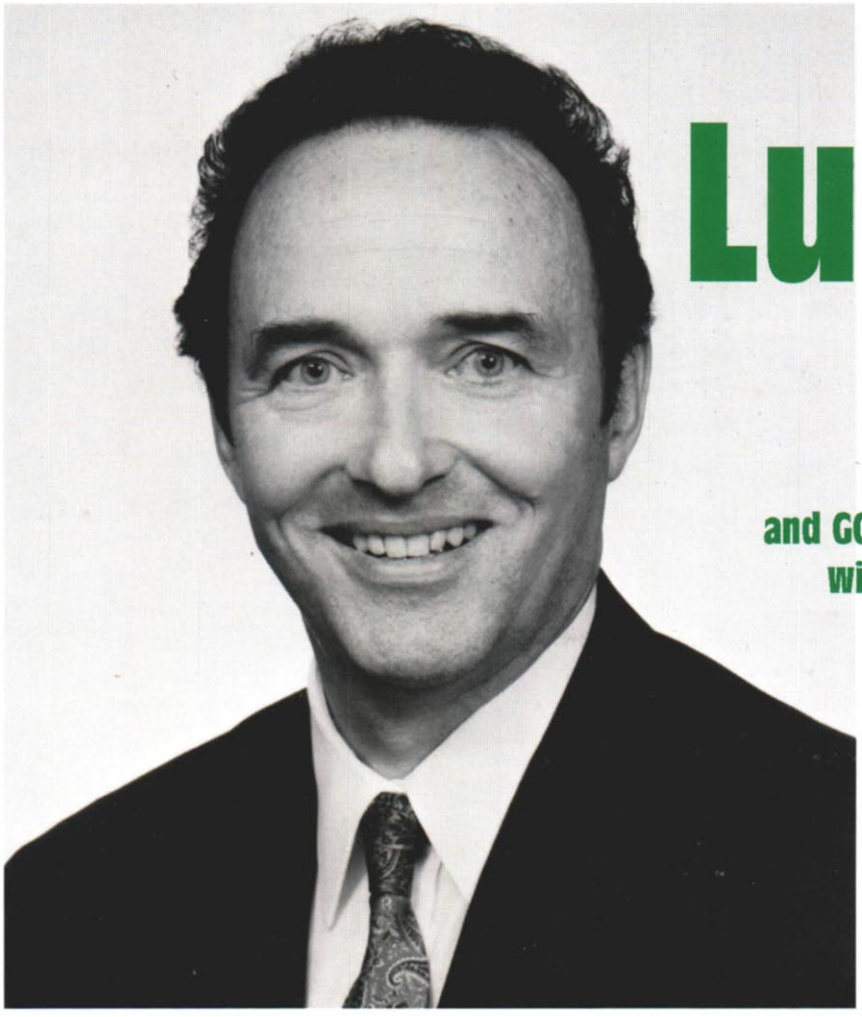
Is Pete Wilson becoming California's John Engler? — *Tim W. Ferguson*

CALIFORNIA★POLITICAL
REVIEW
JANUARY/FEBRUARY 1998 • VOLUME 9 • NUMBER 1 • $4.00

Sanchez' Evaporating 'Victory'
by Leon McKinney

Hawaii: The Future of California
by Howard F. Ahmanson

How *Scopes* Trumps Reason
by Phillip E. Johnson



Lungren IN 1998

Which former attorney general and GOP gubernatorial standard bearer will he resemble after election day: Evelle Younger in '74 or George Deukmejian in '82?

by Christopher Shelton

Bill Leonard, Rob Hurtt, Bruce Thompson, Howard F. Ahmanson, Larry Arnn, Arnold Steinberg, Harold Johnson, Joseph Farah, Geoff Metcalf, Daniel J. Grimm, and John C. Gardner

respond to

CPR's William Rusher, Tom McClintock, John Kurzweil November/December colloquay on conservatives' present and future.
Closing remarks by John Kurzweil

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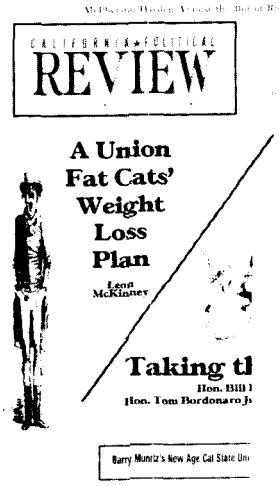
An Opening for Common Sense



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— Irving Kristol

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CALIFORNIA★POLITICAL
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CALIFORNIA PUBLIC POLICY FOUNDATION

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California Political Review (ISSN 1075-3079) is published bimonthly for $24 per year by the California Public Policy Foundation, 15456 Ventura Blvd., Suite 300, Sherman Oaks, CA 91403. Second-Class Postage Paid at Van Nuys, CA. POSTMASTER: Send address changes to *California Political Review*, P.O. Box 931 Camarillo, CA 93011-0931.

CORRESPONDENCE

Statistics Unfair to Schools

Steve Baldwin's "So what *are* they teaching in our schools?" (*CPR*, November/December 1997) echoes a familiar cry that California's school system is one of the worst in the country. As evidence he points out — quite accurately — that California scores dead last or near last in various nationwide tests. Unfortunately merely looking at the relative state scores is grossly misleading. California's score is low because of a trick of statistics, not because its teachers are incompetent.

As an example, on May 6 a report was issued by the U. S. Department of Education (National Assessment of Educational Progress — NAEP) which gave scores of 8th grade science students throughout the country. Of the 42 states taking the tests, California's scores were lower than all but those of Hawaii, Mississippi, and Louisiana. (We also beat Guam and the District of Columbia.) Basically the message was that we are doing a terrible job. A closer examination of the data shows that not to be the case! White student scores in California differ only slightly from the white national average. (The country's average is 159 and California's is 156.) Black California students do slightly better than the black national average. California's Hispanic and Asian/Pacific Islander students also scored close to those groups in other states. In short, California teachers are just about as skillful in educating each group as teachers in other states are.

If we are close to the average in each category why is our total average so low? The answer — to be blunt — is that California has a leaner mixture of higher scoring groups and thus our weighted average is lower. Scores in each state correlate amazingly well (r=.87) with the percentage of Asian/Pacific Islander and white students in that state and California happens to have a lower percentage of these students (51 percent) than all but two states and the District of Columbia.

Actually there is nothing new here and these results are well known in educational circles, but it is not politically correct to point them out, even if remaining silent means permitting our own teachers to be savaged unfairly. Furthermore if the apparent low score of California is acknowledged to be a statistical artifice then there is no urgency for additional tax money to fix a problem that doesn't exist. It also takes away some of the urgency of Clinton's effort to federalize education and weaken local control, long-time CTA goals.

The illusion of low scores is also used by those who wish to criticize the educational establishment. They go along with misusing numbers to advance their own agendas even though they also know that they are using a trick of statistics. This is not to say that "whole language," "new new math," "cooperative learning," "diversity workshops," and "homosexual counseling," aren't stupid ideas, but if there is no obvious problem there is no one to blame it on. I see why the critics are supporting the "California is no damn good" chorus, but they are playing into the hands of the those who want more money and less local control.

Actually even if there were a problem it would be difficult to lay it at the feet of these screwball ideas. Louisiana has lower scores than California in every ethnic category and their antediluvian education system does not have homosexual workshops, etc. Does that mean they should emulate California?

In summary: 1) Our low overall score is a statistical construct arising from our ethnic/racial composition: We are educating every group as well as the country as a whole. 2) Even if we were doing a poor job it is not obvious that it would be because of our special "enlightened" policies. If we wish to improve our educational system let's do it with clear thinking.

C. Raymond Mullin
Santa Barbara

Steve Baldwin responds:

Mr. Mullin uses one section of one

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SACRAMENTO SPECTATOR

For Sacramento, January is appropriately named for the two-faced Roman god Janus. One face is the Legislature operating at a snail's pace. The other is the gin mills and other fire water establishments packed with pols and their hangers-on eagerly plotting the rest of the year.

Little of substance has happened yet, but you may be sure of some eventualities: Governor Wilson will continue to cross-dress as a conservative, with some bones thrown education's way to keep one toe in the moderate lake. Senate President Bill Lockyer will drop his socialist rhetoric in favor of "lock-em-up" legislation meant to give his race for attorney general at least a thin patina of law and order credentials. Several labor unions masquerading as police organizations will provide Lockyer mighty assists in this effort.

Hapless Assembly Speaker Cruz Bustamante will be gone by Labor Day or sooner. His factious minions will not put up with him campaigning for lieutenant governor and remaining speaker and will demand he choose one or the other before budget negotiations start in May. The smart money so far is on his choosing to step down "voluntarily" at the end of the budget "process" to campaign full time.

On the Republican side, all the tongues are wagging about the bitter campaign for Congress waged between GOP Assemblymen Brooks Firestone and Tom Bordonaro. This is written one week before the primary election. When you read this you will know who the top finishing Republican was (although Lois Capps has a slight chance of getting 50 percent plus one, taking all the marbles).

Assuming there is a run-off, the primary campaign has left deep, festering wounds in the GOP in the district and perhaps statewide. While Firestone and Bordonaro will certainly endorse the other if they don't win, many of their supporters are talking open mutiny in a run-off. Firestone folks would go directly to Capps, while Bordonaro's more conservative supporters would actively work for the Libertarian nominee.

The saddest spectacle in all this for your *Spectator* was the sight of Assemblyman and Former Speaker Curt Pringle aggressively supporting the pro-abortion, pro-homosexual "rights," anti-gun, and pro-tax Firestone. Pringle agrees with Firestone on none of those issues, so what gives? He is playing a puerile game of political payback. Bordonaro, who supported Pringle as speaker, did not support his staying on as GOP leader after the Democrats re-took the Assembly in 1996. In fact, Bordonaro actively sought to overthrow Pringle as leader.

Your *Spectator* was among many conservatives who thought this a lame move on Bordonaro's part and who believed Pringle should remain GOP leader as long as he wanted to. Nonetheless, it's disheartening to watch Pringle, who wants to be known as a "principled conservative," deserting virtually every conservative value to "get even" with another conservative. If Firestone wins, Pringle will have helped elevate a Republican who will fight against most things Pringle claims to hold dear.

This is not new or particularly shocking for Sacramento. It does not make Pringle any worse than most of the other shallow politicians up here. But it does brand Pringle as just another politico. That is sad, for Pringle has — or had — the potential to be much more.

— A. P. C.

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test given in one year to try to discredit my claim that the California public school system is in serious trouble. However, even his example does not disprove my thesis. His statement to the contrary notwithstanding, California is not "educating every [racial] group as well as the country as a whole." Even restricting ourselves to the 1996 National Assessment of Educational Progress (NAEP) science test, we find California significantly deficient. In each participating state, a random sample of students takes the test. They are then divided according to their scores into three categories: "advanced," "proficient," and "basic," so each state can see what proportion of its students fall into each quality category. The reports are further broken down by race. The nationwide average for white students in the 42 participating states who achieved the "advanced" level on the science test is twice that of California's white NAEP science test takers. Furthermore, the NAEP science scores reveal that only 6 percent of California's Hispanic students are at or above the "proficient" level, a full 40 percent less than the nationwide Hispanic average. As for the lowest level, "basic," 26 percent of California's Hispanics are at or above this level, again 40 percent lower than the national Hispanic average. Overall, California was ranked fifth from last among the participating states with a horrendous 53 percent of California students ranked at "below basic" compared to the nationwide average of 40 percent. Only 47 percent of California Hispanics ranked at the "basic" level compared to the nationwide Hispanic average of 60 percent.

California blacks did perform on par with blacks nationally on this particular NAEP science test, but bear in mind that the average percentage of blacks nationwide ranked at the "advanced" category was zero. Moreover, 72 percent of blacks nationwide were ranked "below basic," not a statistic to brag about. Attempting to vindicate California's school system by saying California blacks performed as dismally as the rest of the nation's blacks on one test is a weak argument. And anyway, students are individuals, not racial categories, so it is the attempt to excuse our overall failure by talking about "group" scoring that is the real misleading "statistical construct."

Beyond this one science test, our dismal performance on the last NAEP math and reading tests shows that, regardless of race, Californians are at or near bottom in both subject categories. California's SAT scores have steadily declined the last two decades. The percentage of California's college and university freshmen requiring remedial courses has more than doubled over the last decade (currently, it is 50 percent for math and 43 percent for English) because our schools are graduating students who cannot spell, write, or read at the college level. No other state has a remedial problem of this magnitude. Even were Mr. Mullin's race group-equity point accurate, which it is not, it would be no less true that California public schools are failing to educate their students.

As to Mr. Mullin's assertion that those who are critical of California's public education system are "playing into the hands of those who want more money and less local control," the question of what we should do about our schools' poor performance is a separate argument to be fought out on its own merits, not one to be avoided by pretending the schools are doing well when they are not.

Righting a Wrong (Peach)

Congratulations! Criticus's "Fatherland, Fatherland, Show Us A Sign" (*CPR*, November/December 1997) is charming, enlightening, and uplifting. But he is only partly right about "wrong peach."

Savor the minute but rich difference between "This is the right peach and that's the wrong peach" and "*this* is the wrong peach." The first "wrong peach" rhymes with "Long Beach" as it is pronounced in God's country. The value is slightly different in the second. In the second the glottal stop of the "g" of "wrong" is stronger, and there's more of an accent on peach, so it doesn't rhyme with Long Beach.

Frequently there is an alternation of emphasis where ordinary words, such as long and beach, are composed in a proper name, so much so that I'm not sure if you said "Long Beach" as you say "long beach" people would know what you were talking about. Many words take on a special rhythm because of a special meaning: "wet bar," "hot tub," "red eye," and "Little Rock." The subtle alteration of emphasis is, to my mind, one of the splendors of English. I'm sorry about your little quasi-rhyme.

Daniel J. Grimm
Ojai

Criticus ressponds:

I am grateful for this new "Grimm's Law," but it is Criticus's belief that monosyllables cannot be foreordained to any particular stress in a line of verse but must take their stress where the poet places it, especially if the verse is comic or light. Think of what W.S. Gilbert does with things likes the "Queen's Nav-ee." Even if there is some kind of unvarying stress to "Long Beach" when pronounced in God's country (wherever that is, presumably in Mr. Grimm's eyes it's "Iowa with Palm Trees," a.k.a., Long Beach itself), there is no such invariability in the real world or the world of light verse. Just as our cross-pond cousins can say variously HEATH-row and HEATH-ROW or BLEAK-house and BLEAK-HOUSE, so can we say LONG -beach and LONG BEACH. "Where do you live?" "In LONG BEACH," or possibly "Long-BEACH." "Is that REDONDO Beach?" "No it's LONG-beach." Say "my old man" in isolation; pretty much spondees, I should think. Then say it in the music hall song: "My old man's a dustman / He wears a dustman's hat." Spondees no more. More like a line of trochees followed by one of iambs, though you could vary it by the way you stress "dustman." Perhaps Mr. Grimm can fashion a new law to take care of this. Or we may simply have to agree to disagree.

Full Disclosure

This concerns the article authored by one Pat Nolan ("Rallying Cry," *CPR*, November/December 1997). The author of the article is merely identified as "president of Justice Fellowship and former California Assembly Republican leader." Is this the same Pat Nolan who sold his office,

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THE FRONT LINE

Leon McKinney

Special Report
Sanchez' "Victory" May Soon Evaporate

House investigations into voting irregularities in the November 1996 46th congressional district (Orange County) election are moving steadily toward an early 1998 House vote to vacate the seat. That would remove Democrat Representative Loretta Sanchez, who apparently defeated Republican former Representative Robert Dornan by 979 votes. Secretary of State Bill Jones has already identified 305 illegal votes cast in the election and the Orange County Registrar of Voters has thrown out another 124 illegally voted absentee ballots.

An additional 550 or more bad votes would eclipse Sanchez' margin of "victory," satisfying criteria established by the 1969 Federal Contested Elections Act for ordering a new election, at least in the opinion of Dornan attorneys Michael Schroeder and Bill Hart. As Representative Tom Campbell wrote in the November 20 *Roll Call:* "If the House of Representatives cannot say who won an election, a new election should be ordered." That threshold is met, say Schroeder and Hart, if the number of confirmed illegal votes equals or exceeds Sanchez' margin or other evidence of wrongdoing is found sufficient to make it impossible to say who won the election. It now appears likely the total votes thrown out could far exceed 979.

Leon McKinney is a CPR *contributing editor.*

House Democrats, of course, have painted an opposite picture. Minority Leader Dick Gephardt called the Congressional investigation "totally out of control." Arguing that no significant evidence of illegality had been found, in November Gephardt forced 22 roll-call votes on ending the probe.

It now appears likely the total votes thrown out could far exceed 979.

Democrats staged a national PR campaign designed to convince America that Republicans had no case and were maintaining the investigation on life support for low political purposes. Connecticut Representative Sam Gejdenson compared Michigan Representative Vernon Ehlers, head of the Oversight Committee task force investigating the 46th, to Joe McCarthy.

Gejdenson hyperventilated to the point of threatening that the 1998 elections will "make Bosnia look like a picnic" because Democrats will challenge every Republican victory, bringing in the INS "everywhere." But a look at the numbers already in play in the investigation indicates the Democrats' overheated rhetoric may reflect less genuine indignation and more worry that the Sanchez "victory" could soon erupt into a major Democrat embarrassment.

First there are the 429 confirmed illegal votes already identified. Next, Bill Jones' office compared his list of voters who cast ballots in the 46th with a list provided by the House Oversight Committee of more than 4,000 individuals who may have voted illegally. This list of 4,000-plus was compiled from a variety of sources including INS databases of non-citizen applicants for naturalization, for student visas, and for refugee status, or of individuals deported for committing crimes or other reasons.

The list also includes 1,550 names provided to the committee by Dornan's attorneys who say these are first and last name matches of the voter files with individuals who had informed the Orange County jury commissioner that they should be exempt

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pleaded guilty to a felony (or felonies) in the U.S. District Court in Sacramento, and who was sentenced to a term in a federal prison? If so, in the interests of full disclosure, the article should have noted those facts.

John M. Hanley
Sunnyvale

CPR *Editor John Kurzweil responds:*

California Political Review's *thorough examination of the Keystone Kops "case" against Pat Nolan appeared in our Winter 1994 "Update" newsletter and Spring 1994* CPR. *(Reprints of both articles available for $2: send SASE to California Public Policy Foundation, P.O. Box 931, Camarillo, CA 93011.) Mr. Hanley begins his call for "full disclosure" by coyly pretending he isn't sure who he is talking about, indicating his own peculiar appreciation for dealing in "facts." He then talks as one who "knows" an office was "sold" without "fully disclosing" which "facts" permit him such certainty. A more genuine interest in "full disclosure" would have led Mr. Hanley to admit he knows of no corroborated evidence of any crime against Nolan for the simple reason that none has ever been produced and that, thus, his phrase "sold his office" is dishonest, potentially libelous, and one that an honorable man would be ashamed to use. Mr. Nolan's plea was as coerced and worthless as any confession ever beaten out of anyone by the KGB. If Mr. Hanley is unaware of that "fact," he should admit he hasn't informed himself as to the most rudimentary elements in this case. That may qualify him for a job as columnist at the* Sacramento Bee, *but not to lecture others about full disclosure.*

Finally, in the genuine interest of full disclosure, we will say what Mr. Hanley should have said: that the evident frame-up and subsequent departure from state politics of Pat Nolan was another in a long, sordid list of betrayals of law and justice by our already disgraceful legal system. It was also a tragedy for the people of California whose loss has become the nation's gain now that Pat is in Washington. Will that do, Mr. Hanley? CPR

EDUCATION

Wilson's Education Initiative

A look at the governor's five-part plan to improve the schools — and a run-down of year-end education issues

STEVE BALDWIN

In December, Governor Wilson unveiled a dramatic new education initiative which he intends to place on the November 1998 ballot. The initiative is made up of five main components, some of which are half-baked and some of which may have potential.

The governor proposes to lock-in permanent funding for class size reduction for K-3, a good idea. However, class size in itself will improve a child's performance only so far unless it is accompanied by research-based teaching techniques such as phonics. After all, no matter how small the classroom, if the children are taught whole language, they will, on average, not be able to read until second grade.

Placing parents in charge of school site councils may be a good idea but bear in mind that school site councils involving parents exist at all public schools *today* with little evidence that such councils have led to improved academic performance. Wilson's initiative has a slightly different twist, however: Whereas, under current school site council law, parents comprise only 50 percent of each council, the governor's proposal makes parents the controlling faction. After watching for years various PTA units and other parent groups gradually become virtual rubber stamps for the teachers union, I believe this proposal would have effect only if school boards chose parents who refuse to be co-opted by the education establishment and understand how to hold educators accountable. However, the vast majority of California's school boards are controlled by the teachers union, so few parents of the kind needed to shake up the schools are likely to be chosen.

Wilson proposes that teachers pass a competency test in their area of specialty, a good idea since about half of California's public school math teachers neither majored nor minored in math. While he's at it, the governor might as well make it easier for professionals to take leave from work and teach. That Bill Gates would not be allowed to teach a computer course in our public schools because he is not "credentialed" is embarrassing.

Wilson's initiative creates a governor-appointed "Inspector General" responsible for biannual inspections of all public schools and for ranking them based on performance. *Sounds* like a good idea, but it could lead to another do-nothing education bureaucracy. We already have the state Board of Education, the state De-

CPR *education correspondent Assemblyman Steve Baldwin (A.D. 77) was Education Committee chairman in 1996.*

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partment of Education, the governor's Office of Child Development, the Commission on Teacher Credentialing, the Curriculum Commission, and about five other education bureaucracies. Most, if not all, have the authority to investigate and audit schools now. Why create another position to do what all the other agencies are already supposed to be doing?

The last component is the enacting of a zero tolerance policy for drug possession on school grounds. Probably a good idea, but it needs to be written so that kids found with aspirin and prescription medicine are not thrown out of school. Remember, the state zero tolerance law for guns and knifes in schools has led to some outrageous incidents in which straight-A students have been expelled for such dangerous things as bringing to school a plastic gun for use in a school play and for having a butter knife — packed by Mommy — in a child's "Power Ranger" lunch box. Boy, did we take care of those dangerous kindergartners.

Opposing Unz May Endanger Your Career

As expected, the Unz Initiative (that would eliminate most bilingual education in California schools) collected more than enough signatures to qualify for the June ballot. Three separate polls of Hispanics show support for the initiative ranging from 71 to 83 percent, astounding the pundits and Hispanic "leaders." Despite an effort by a few misguided Republican Assemblymen to convince their colleagues to oppose the initiative, common sense has prevailed with most GOP legislators now either in support or hiding out.

November's school board races showed the initiative's strong support. In the dozen or so such elections held around the state, *every candidate* who opposed Unz was annihilated. Also, in an advisory vote in the heavily Hispanic Orange Unified School District, 86 percent of voters approved abolishing bilingual ed. Clearly, Republican candidates who oppose Unz publicly will likely lose votes — including Hispanic votes.

Genuine Campaign Reform

The California Teachers Association is panicking because almost twice the number of signatures required were turned in to qualify the June ballot Campaign Reform Initiative. CRI would require unions to ask permission before taking their members' money to spend on politics. Even though rank-and-file union members support CRI 4-to-1, expect the unions to spend at least $15 million in opposition, with the teachers union leading the charge. CTA knows that if CRI passes, up to 80 percent of its members likely will *not* sign the permission form. CTA's stranglehold on the majority of California's school boards would probably end.

Accountability Arrives At Our Public Schools

Last month the state Department of Education voted to accept the Stanford Achievement Test as the new statewide test. This marks the end of a 10-year period in which policy-makers had absolutely no idea how California schools were performing as compared to one another. The test results will be on the Internet by next year so local administrators will be able to use the scores to weed out bad teachers before they obtain tenure.

Already, some legislators are toying with legislative proposals that would allow districts to fire teachers with tenure if the collective scores for their class drops below a certain threshold. Others are suggesting bonuses for teachers whose classes collectively perform above a certain level. In any case, accountability will soon become a reality as parents will soon start choosing schools within a district based on the average school site score. While publicly CTA said little against the test, its lobbyists worked overtime trying to kill it in last session's final days.

Phonics Standards Approved; Math Standards Battle Heats Up

The Academic Standards Commission produced solidly pro-phonics Reading and Language Arts Standards that the state *Board* of Education quickly approved without dissent, handing the state *Department* of Education's whole language zealots a huge defeat.

Now the Standards War shifts to math. Unfortunately, the Standards Commissioners included several suspect and unproven "new new math" instruction approaches in the Standards. But not to worry. The Standards Commission is only an advisory body and the final document must be approved by the state Board of Education, which is dominated by back-to-basic advocates appointed by the governor. The Board has the authority to alter the Standards — thank God.

Shortly after the Standards Commission finished their work on the math standards, the state Board of Education completely altered the K-7 math standards and then promptly voted to approve them. As for the 8-12 math standards, expect action on that by the end of December. Meanwhile, the educrats are going ballistic and Delaine Eastin even whined that, "We're not even going to let them use a calculator before the sixth grade." Does Eastin really believe kids learn computational skills by using calculators? Besides, the standards are voluntary (I wrote the bill); however, schools will

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receive a tremendous amount of community and parental pressure to follow these standards because the new state-wide test will be linked to them.

Parental Rights, What Parental Rights?

Last legislative session many legislators ranted about "parental involvement" in the schools, but this term means totally different things to the two political parties. Republican parental involvement bills always expand and clarify parental rights, bills that are badly needed due to the dozens of lawsuits brought against public schools each year by parents who feel that their parental and religious rights were trampled by school officials. Naturally, all such bills died on Party-line votes.

Predictably, the Democrat "parental involvement" bills usually diminish the rights of parents. When Democrat Assemblyman Tom Torlakson brought to the Assembly floor AB 1001, which directed the schools to develop "parental compacts," your *CPR* education correspondent quickly proposed an amendment that made clear that parent participation was voluntary and that parents are primarily responsible for the raising of their children. Non-controversial? Not on your life. The Chairwoman of the Assembly Education Committee, Democrat Kerry Mazzoni, grabbed her microphone and instigated this shocking exchange:

> *Mazzoni: Mr. Baldwin with this amendment could parents use this to assert their right to direct and control the public education of their children?*
>
> *Baldwin: That's already in state law. Parent do direct and control....*
>
> *Mazzoni: [interrupting] No, they do not in the public schools.*
>
> *Baldwin: Are you suggesting that parents do not control the upbringing of their children?*
>
> *Mazzoni: Parents can control whether or not their children go to public schools. Parents control their children in terms of the upbringing of their children, but we have certain abilities within the public school system to address the needs of the children in the system.*

So, once our children enter the public school system, parents no longer have any rights! This is what the Democrats mean by "parental involvement." Expect to see more battles next year on the role and rights of parents of public school children. CPR

THE LAW

Shockingly Homogeneous?

If being a white male is a sin, then according to Martha Escutia, California's judiciary is a den of iniquity. She has just the penance in mind.

MARK S. PULLIAM

THE PUERILE utterances of Martha Escutia, who, before 1996, was deservedly an obscure Democrat back-bencher in the Assembly, illustrate well the preoccupations and destructive notions driving the Democrats who control that chamber. Under the current regime Escutia, alas, chairs the Assembly Judiciary Committee, which unfortunately gives her periodic rantings a certain *gravitas*. When we last heard from Escutia, she was chastising Justice Janice Brown for referring to our Anglo-American legal heritage (*à la* Winston Churchill) as the history of "English-speaking peoples." (*See* "Justice Brown to the Rescue?" *CPR*, May/June 1997.) Her latest proclamation, from the December 1997 issue of the *California Bar Journal* (the official publication of the state Bar of California), characterizes California's judiciary as "shockingly homogeneous." Escutia apparently believes we should have racial quotas on the bench: "The Judicial Council's bias report also illustrated just how racially skewed the judiciary in the world's most ethnically diverse state remains. A whopping 87 percent of the state's approximately 1,600 judges are white, while whites makes [*sic*] up less than 57 percent of the gener-

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al population." This "imbalance," she believes, is a problem because it "creates the impression of a justice system run by and for white Californians."

FIRST OF all, what is the Judicial Council and the "bias report" she is talking about? The Judicial Council is a 21-member policy-making panel headed by the state chief justice that is responsible for managing California's judiciary. The Judicial Council includes 14 judges appointed by the chief justice, four attorney members appointed by the state Bar's board of governors, and one member from each house of the Legislature. The guiding criteria for selection to the Judicial Council, according to its web page, are "diversity of experience, gender, ethnic background, and geography." Escutia is the council's Assembly representative.

The "bias report" is the January 1997 "Final Report of the Advisory Committee on Racial and Ethnic Bias in the Courts." "Bias reports" are the latest rage in diversity-driven group-think. As Heather MacDonald recently pointed out in *The Weekly Standard*, "[s]ince the late 1980s, the state and federal courts have been swept up in a feverish search for internal sexism and racism. The lack of evidence for those sins has stopped very few courts from declaring themselves sinners." California's Judicial Council is no different. The Advisory Committee (which included *Johnnie Cochran!)* went around the state soliciting anecdotal accounts of bias and — guess what? — it heard complaints from various minority group members. The Final Report, which lists Hillary Clinton as a source, contains about the level of "analysis" that one would expect given its mission, which Heather MacDonald describes as "the bias industry keep[ing] the myth of discrimination alive."

But in her multi-cultural zeal, Escutia mis-states the findings of the Final Report. While it is true that 89 percent of superior court judges and 84 percent of municipal court judges are white (averaging 87 percent on a weighted basis), the Final Report notes that the judiciary is drawn from the ranks of California *attorneys*, not the *general population*. According to the Final Report, studies commissioned by the state Bar in 1991 and 1994 found that "Asian Americans and Latinos each make up 3 percent of active bar members, African Americans 2 percent." By my math, this means that only 8 percent of the pool eligible for judicial appointments is non-white, while in fact non-whites represent 13 percent of California judges. Whites are substantially *under*-represented on California's judiciary, not over-represented! So what is Escutia's beef?

The Final Report also acknowledges that, notwithstanding that "the state's demographic profile has changed dramatically in the past 20 years" — what were once considered "minorities" are rapidly becoming the majority — "[r]arely do minorities become judges through the electoral process." In other words, non-white voters are not electing non-white judges. Only zealots would view the political decisions of "people of color" as being infected by racism. Finally, the Final Report, after repeating more or less uncritically the anecdotal charges collected during the committee's hearings, summed them up in a more balanced conclusion, entitled "Closing Comments": "The advisory committee did not conclude that the issues raised in the testimony were representative of the perceptions of California's population as a whole. [Why, then, one might ask, did it waste the taxpayers' money by providing a forum for such whining, and then spend 200 pages analyzing it?] .... The committee does not suggest by its analysis that any particular racial or ethnic configuration among members of the judiciary ... would result in more or less fairness."

So there is nothing more to Escutia's wild charges of a "racially skewed" and "shockingly homogenous judiciary" than a statistical snapshot that shows a *greater* percentage of non-whites among judges than in the ranks of non-white lawyers from which they are drawn, albeit less than in the population as a whole. Wouldn't an analysis of the Cal Tech faculty, the roster of any NBA or NFL team, or even the composition of the state Legislature, produce similar results, in terms of over- or under-representation of certain groups? Symphony orchestras comprise different individuals than mariachi bands. Is this evidence of discrimination, or merely different choices molded by tradition, culture, and many other influences?

Escutia's remedy, which she omitted from her *California Bar Journal* article but expressed in an article in the *L.A. Daily Journal*, is compulsory "comprehensive anti-bias training." She assures us that "[w]ith the chief justice's support, every judge in California will now receive the needed training to avoid even the appearance of unfairness." Any excuse will do for the PC police.

SENATOR SPENCER ABRAHAM (R-MI) concluded recently that "[o]ur legal system is broken. The United States has been transformed from a nation of friends and neighbors into a nation of actual and potential litigants." The folks that brought us this — the plaintiffs' personal injury bar — are trying to transform the California Republican Party as well. A slick, well-financed campaign being led by veteran political consultant Wayne Johnson (who is also

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running Matt Fong's Senate campaign) unveiled the trial lawyers' latest Trojan Horse: the Republican Trial Lawyer Caucus. This group, which has taken out misleading full-page ads in various GOP publications, is a unit of the so-called Consumer Attorneys of California (formerly the California Trial Lawyers Association). The Caucus' objective is not, as it claims, to "raise money exclusively for Republican candidates," but to elect Republicans who will oppose tort reform. In other words, to elect Republicans who will vote like Democrats. Like "Republicans for Choice," the "Log Cabin Club," and similar groups masquerading as Republicans, this group will be quoted endlessly by the liberal media to demonstrate the lack of unity within the GOP. If ambulance chasers don't like the Republican Party platform on tort reform, they should register as Democrats. Period.

■ ■ ■

SHORTLY AFTER the last issue of *CPR* challenged the California Supreme Court to set the long-standing Boy Scouts cases for oral argument (*see* "Ron George's Encore?", November/December 1997), the court announced a January 5, 1998, hearing date. Under the court's rules, this means a decision will be issued in the *Randall* and *Curran* cases no later than April 5, well in advance of the November election, in which four (Chief Justice George and Justices Ming W. Chin, Stanley Mosk, and Janice Brown) of the court's seven justices will be on the ballot. This appears to be good news for the Boy Scouts, because — unless the court is far more brazen than even its critics suspect — it signals a ruling permitting private organizations to enforce their values. Otherwise, the court would be confirming — just in time to inflame the voters — that it is an activist court pursuing a destructive (and unpopular) liberal agenda.

■ ■ ■

READERS MAY recall the Rev. Eugene Lumpkin, the

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By WILLIAM E. SARACINO

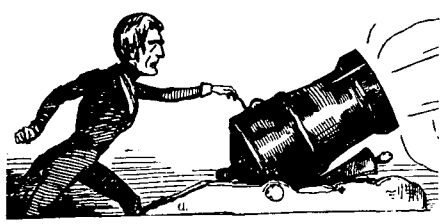
Inspired by the even more than usually ill-informed, not to say hysterical, debates on repealing the Second Amendment that characterized the just-concluded legislative session, this new regular feature adopts the novel approach of considering Facts about guns, gun control, and gun owners.

To reduce crime, liberalize concealed carry policy

Most states have "shall issue" criteria when it comes to a citizen getting a permit to carry a concealed weapon — *i.e.* the local sheriff or police chief "shall issue" a permit unless the applicant has a criminal record or mental illness.

California is in the minority of states that have "may issue" criteria — *i.e.* the local authority "may issue" a permit if the applicant shows a "compelling reason" to do so. As has been proven in study after study the most common "compelling reason" for a permit being issued is the fact that the applicant is a relative of or contributor to the local sheriff or police chief.

Yet the latest evidence from Texas and Florida further buttress the "shall issue" argument. Florida recently passed the tenth anniversary of its law, while Texas now has two years of experience. Both of these laws were passed amidst total hysteria in the media and from the gun control types. Predictions of blood baths filled the editorial pages and air waves.



The facts? Florida has now issued nearly 400,000 concealed weapons permits. Less then 200 of these permit holders have had their permits revoked, and only seven were revoked for involvement in a serious crime. Texas has issued nearly 120,000 concealed weapons permits. Exactly 57 of these permittees have had a brush with the law, with *one* being the grand total involved in a violent crime.

Oh, and by the way, violent crime has fallen dramatically in both states since they enacted their "shall issue" laws. *Society as a whole is safer when the criminals don't know who among us is armed.* CPR

William E. Saracino is executive director of Gunowners of California.

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Baptist minister who was fired from his post on San Francisco's Human Rights Commission when he refused to renounce his religious beliefs. (*See* "The New Intolerance," *CPR* July/August 1997.) The Ninth Circuit castigated him as a "homophobe" and rejected his First Amendment claims, which would have been a *cause célèbre* had he been an AIDS activist instead of a fundamentalist Christian. Well, here's the rest of the story: The judge who wrote the Ninth Circuit opinion, a liberal Carter-appointee named William Norris, retired at the end of October 1997. It turns out that Norris, who once was a Democrat candidate for the state attorney general, has a long history as a judge of promoting special "rights" for homosexuals. Before he stepped down from the bench, he delivered a widely-publicized speech at the annual awards dinner of a national homosexual rights organization, the Lamda Legal Defense and Education Fund (where he was introduced by L.A. Mayor Richard Riordan). In recognition of Norris's anti-Christian bigotry, the group gave him its Liberty Award for his "forceful and courageous voice for legal recognition of equal rights for gays and lesbians in our society" (but not for Christians).

ACCORDING TO the front page story in the *L.A. Times,* in his sensational prepared remarks Norris excoriated President Clinton's "don't ask, don't tell" policy as "evil" and compared it to government-mandated racial segregation and the mass incarceration of Japanese-Americans in World War II. Norris also berated the U.S. Supreme Court's 1986 decision in *Bowers v. Hardwick* upholding anti-sodomy statutes as "surely one of the most gratuitous and vicious opinions ever written." Echoing his anti-Christian opinion in *Lumpkin,* Norris was particularly scornful of former Chief Justice Warren Burger's concurring opinion in *Bowers,* in which Burger suggested that equating homosexual behavior to heterosexual conduct would be "to cast aside millennia of moral teaching." In contrast to this denunciation, Norris praised Ellen DeGeneres. In other words, Rev. Lumpkin never had a chance.

On December 1, 1997, the U.S. Supreme Court denied review of Rev. Lumpkin's appeal of the Ninth Circuit decision authored by Norris. The moral of this story? Someone should explain to Martha Escutia that with white males like William Norris, there is little need for "diversity." CPR

THE MIDNIGHT ECONOMIST

Confusion Along the Ramparts

Property Rights, Human Rights, and Campus Radicals

WILLIAM R. ALLEN

I DON'T MEAN to be beastly about it. But there does appear to be some degree of confusion among radical reformers concerning property rights. And campus radicals, be assured, can be as confused as any other kind.

The confusion begins with the very term, "property rights." Property itself — a piece of land or an automobile — has no rights. Only people can have rights. So-called property rights are the rights of *people* to the *use* of property. Those rights to use of property are necessarily limited: within permitted limits, I can use my hammer as I please, but I am not permitted to use my hammer to break your window without your consent.

William R. Allen, whose mother was proud of a supposed trace of Indian heritage, expounds the virtues of private property while professing in the economics department of a state university, UCLA.

But the rights in question, even though limited, are mine, not the hammer's. There can be no conflict between the hammer and me over respective rights, for the property itself has none. Campus radicals are not the only ones who sometimes profess to see a contrast between "human" rights and "property" rights. And, of course, faced by that dichotomy — silly though it is — any red-blooded American would come out fourscore in favor of "human" rights.

Rights to use of property will not be abolished by the revolution — unless the revolution leaves us in a state of complete anarchy. The rights can be *re-defined* and *re-distributed* by the revolutionary tribunal, and there can be institutional and procedural changes in how those rights are *specified* and *allocated* and how *disputes* over rights are resolved. But *any* society will have *some* system of property rights and their administra-

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tion. Indeed, the essence of a society is largely determined by its system of property rights — who has what rights to use of what property, what are the classes of approved or prohibited use of assets, and who answers such questions through what processes. Property rights are the basic ground rules that determine what we are permitted to do and how we are permitted to do it. They provide opportunities and constraints. They are critical in defining how "free" the society is.

Now, campus subversives have some strong notions on who should control the use of assets. For example, they want to use any convenient wall of any building as a signboard. So college buildings are liberally decorated with gaudy pronouncements of a better, post-revolutionary world to come and with ringing calls to the barricades.

DURING THE past 30 years, campus customers have purported to be outraged by a succession of evils — limited minority admissions and faculty hiring, the Vietnam war, sweat shops, naughty treatment of women, lack of special interest study centers ... The most recent episode of alleged hysteria at UCLA was programmed by the American Indian Student Association, abetted by the Raza Youth Education Project.

The object of the scorn and contempt was Christopher Columbus and his opening of the floodgates to European invaders. There was a pep rally on campus which vilified the contamination of Indian territory and purity with the institutions and intellectual and physical bric-a-brac of Western Civilization. And aggressive but sensitive revolutionaries adorned selected campus walls with slogans, the mildest of which included: "Columbus is a lie," "505 years of resistance," "You're on Indian land!" Is one to laugh or to cry over these rambunctious shenanigans of socially-subsidized young scholars at the University of California?

Study of the long-term past of the American Indian is more in the realm of archeology and anthropology than in the province of history. In the area north of what is now Mexico, Indians failed over a period of many centuries to establish a robust society and an efficient economy capable of surviving the competition of the world. In the confines of the present United States, there were probably fewer than one million Indians in the 17th and 18th centuries. Those non-homogeneous million were scattered over an immense area, surviving precariously with scant and barely developing technology, divided into dozens of groups of much variety, speaking (but not writing) numerous languages.

Even if Columbus had not been born, it was inevitable that the North American continent would eventually be discovered by outsiders. And, once discovered, it was a certainty that the bountifully-endowed territories of temperate climate would be explored, sequestered, and productively exploited. Of course, the Indian "community" and culture — typically crude and primitive and nowhere highly sophisticated — was too weak and disorganized to fend off energetic, ambitious, acquisitive, and effective invaders.

The Indians have paid dearly for their weakness. They have been shamefully, even if predictably and wastefully, repressed by the victors. Upon occasion, the white man has demonstrated that he can be as savage as the aboriginal Americans. But few can claim with a straight face that it has been either inexplicable or generally unfortunate for mankind that the Western culture of moral, political, and legal philosophy, art and music, architecture and literature, science, technology, and economic productivity superseded the native non-literate culture of pottery and basketry, drums and rattles, totem poles and canoes, tomahawks, wigwams, and unsaddled horses.

ONE MIGHT be amused or bemused by youthful, even if ignorantly channeled, exuberance — except for a troublesome matter of dogma, or at least of tactics. For the revolutionists do not dislike wealth and power; they spit only on wealth owned by others and on power exercised by others. They typically want wealth to be owned by the state — and the state to be directed by them. But here they are, besmirching state-owned buildings. I could understand, sort of, radicals making pigsties out of buildings at *private* schools like Stanford and USC. But they surely are confused in turning *state* schools, like UCLA, into cruddy billboards. CPR

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News from Cloudcuckooland

UC's Regents endorse people's 'right to pursue happiness on their own terms,' or, in Allan Bloom's phrase: 'nihilism without the abyss.'

RICHARD FERRIER

Note: In November, the UC Board of Regents voted to equate homosexual unions with marriage when offering employee health benefits, a policy Governor Pete Wilson said "devalues the institution of marriage" and that Ward Connerly praised as "letting people have the right to pursue happiness on their own terms." Looking further into the implications of the Regents' move, I came across the following possibly related item on the internet, and pass it along to enrich readers' appreciation of this bold new way of thinking. I paraphrase a bit to save space:

THE ISSUE was fairness. Leading private research universities, responding to charges that the institution of marriage unfairly provided married faculty with legally sanctioned and personally convenient access to regular sex partners, began experimenting with a unique form of work study several years ago. The idea was to equalize faculty benefits by arranging for volunteer student "comfort workers," financially needy undergraduates of both sexes, to live in a specially set aside dormitory where they would be accessible to partnerless professors for mutual gratification. Matching federal funds were earmarked in pilot programs at Yale, Stanford, and MIT. Full medical benefits and regular STD screening exams were incorporated in the program through the on campus health clinics, and the co-operating students were strictly volunteers.

Comfort Workers proved a huge success. The program was popular with students and faculty alike. Senior professors reported an increase in on the job satisfaction, students appreciated the close contact with their professors, and administrators found recruiting of talented professionals, and even raids on other institutions' prestigious faculty, much easier. Complaints from local churches and a handful of right-wing professors were unpersuasive, and the local media in New England and the Bay Area were wildly supportive of the program.

It came as no surprise, then, when the University of California Regents adopted a similar policy at their meeting last month. A broadly grinning Gray Davis looked on as Regent Ward Connerly put the case for comfort workers at UC: "If the issue of fairness isn't enough," said Connerly, "we have to consider the fact that the University is losing outstanding talent to competing universities. I have a responsibility to the citizens of California to see to it that the University retains its high rankings. Comfort workers will do just that." Connerly went on to say that providing sex partners is in no way a disparagement of the institution of marriage: "I've been married for more than 30 years, and I respect marriage highly. I just think that other folks should enjoy some of its benefits," he said.

There was sharp dissent from Governor Wilson, whose position was explained by the *LA Times* as, "an obvious effort to pander to the religious right in preparation for his expected candidacy for the presidency in 2000." Wilson was especially disappointed in the vote of Regent Velma Montoya, who, sources said, had promised the governor that she would not support Comfort Workers. Montoya explained her vote as motivated by economic factors: "I just don't see how we can compete with Stanford and the other privates unless we do this," she said. "Defending marriage is not the university's mission. Finding and motivating top drawer talent is."

Want the URL? www.satire.cpr Don't try that on your PC. I admit it, I made it all up, disgusted by the Regents' vote. But to my friend Ward Connerly, whom I still admire ... if the shoe fits, wear it. And to Pete Wilson, whom I have often criticized, kudos. The regents, one hopes, will one day reconsider, and when they do they'll understand that "Stanford does it too" is a poor argument. CPR

Richard Ferrier, a member of the Thomas Aquinas College faculty, is CPR's *Higher Education correspondent.*

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A John Engler for California?

Wilson's rightward move has taken the form of appointments and actions far too numerous and arcane to be remembered in the heat of a national political campaign.

TIM W. FERGUSON

As PETE WILSON stepped up his social conservatism late in the year, journalists — including the Washington-based political magazines — were quick to ascribe the governor's hard line to his famed opportunism. He's running for president again, they said, and he knows he has to win Republican primaries.

Maybe all that's true, but it doesn't seem to tell the full story. For all the visible stances such as on Propositions 187 and 209 and most recently on the homosexual-partner benefits for the University of California, Wilson's increasingly pronounced rightward move in the past five years has taken the form of appointments and actions far too numerous and arcane to be remembered in the heat of a national political campaign. On regulation, on schools, on welfare, on the courts and even — for the most part — on taxes, Wilson since 1992 has been the most conservatively governing chief executive California has had in modern times. One need only look in recent years at his staff and advisers, the truest test of any politician's leaning, to conclude that this is a rather elaborate con job, if that's what it is. Might it be that this longtime "moderate," in mid-career, actually changed his mind and re-oriented his compass about government? Conservatives have been more willing to believe that in the case of John Engler, who was a mainstream Michigan Republican before he blossomed as governor in 1991. Or George Bush Jr. in Texas. Or some other national GOP figures.

Yes, Pete will always do things to confound the picture. He is a stickler for process, and with a hostile Legislature that means compromises to keep Sacramento's wheels turning (although he has stood his ground memorably in the past). He never was much for Prop. 13-type local tax rebellions. And with the notable exception of Janice Rogers Brown, his Supreme Court nominations haven't exactly moved that body in the way the Federalist Society would recommend. But for a Republican with Big Business ties, he's been more of a banner carrier than anybody in The Movement had reason to expect. And not at all trivially, he is the rare fellow in public life who married a younger and urbane second wife and moved to the *right* after doing so.

So, how about some reportage on what the governor, a legendary workaholic, is telling his staffers during those late-hour sessions? Whose counsel is he seeking? What is this Yale English major reading? That would tell us a lot more about how Wilson's mind really works than all the pack journalism about his presidential bug.

Wilson has taken up the cudgel for the big political fight of 1998, the strike at Big Labor's dues funnel into campaign coffers. An initiative in California will attempt to force the unions to get individual members' approval before using their funds to push headquarters' causes. As everyone knows, Big Labor is the most muscular force behind the left's political agenda in the U.S. — and the government employee unions are the backbone of today's Big Labor. (Wilson no doubt remembers the attack ads that the California Teachers Association aimed at him years ago.)

What not everyone knows, and what left-wing papers such as the *LA Weekly* usefully report, is the critical role that union locals play in city, county, and legislative district races. For instance, when Gil Cedillo won the Democrat primary (tantamount to election) in a special in the 46th Assembly seat in central Los Angeles, it was the unions that put him there. And in that case, they beat another Hispanic who's a member of the hapless Los Angeles school board. The result is that a more competent left-wing Democrat will join the ur-

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ban bloc that dominates the majority caucus. Apportionment of seats by one-man, one-vote (including illegal immigrants) promises plenty of districts for the picking by Big Labor in the years ahead.

The left always wants to fight on a class basis. Maybe that can work both ways. When last Big Labor was the No. 1 California issue, in the 1958 rout of Republicans, unions were an integral part of the private economy. Now they are peripheral in economic terms, though central politically. The middle class may not rise instinctively to their support this time. Republicans in swing suburban districts might try to accentuate the union ties of their opponents and how their agenda is alien to the interests of the home owning taxpayer. The suburban press might even pick up on this. Granted, it is a high-risk strategy. There are ethnic undertones, already an unfortunate feature of California politics. And some union issues, such as attacks on HMOs, resonate in the 'burbs, and many of the unions — police, fire, even the teachers — retain the sympathy of local electorates. But make no mistake, the gauntlet has been thrown down for 1998, and Big Labor is going to have its guns blazing. It knows it's in a fight. Does the GOP?

Speaking of suburban papers, Dean Singleton's MediaNews Group indeed has purchased the *Daily News* in Los Angeles's San Fernando Valley and the *Long Beach Press Telegram,* as speculated here. He plans to convert them into intensely locally-focused products, eschewing a lot of the big city coverage. In the case of the *Daily News,* he said recently, "Through the years someone's ego got out of hand, and they began thinking it is a metro daily, but actually it's a suburban daily serving the San Fernando Valley." Bad news, probably, for Los Angelenos who now benefit from the paper's more aggressive coverage of such failed urban institutions as the LA Unified School District. But to the degree MediaNews leaves "downtown" to the *Los Angeles Times,* its readers will grow isolated from the issues and consciousness of the city and perhaps be more receptive to a Republican agenda. Singleton's chain has no distinct political philosophy, letting its papers adapt to the local sentiments.

Okay, you knew we'd get to the *Times.* Where to start? With the good news, of course. One key indicator of a publisher's bent is the editorial cartoonist. The latter may be much farther left or right than the boss but is nearly always of the same persuasion. Otis Chandler brought Paul Conrad to the *Times.* Today Conrad is semi-retired, and his occasional work floats around the op-ed page. A drawing in December, blaming the United States for the loss of children's limbs to mines around the world, appeared slightly larger than an ice cube. Meanwhile, the lead cartoonist slot has gone to Michael Ramirez, a conservative Pulitzer winner out of the *Memphis Commercial Appeal.* Ramirez isn't backsliding. One recent effort, "The cure for AIDS," showed a bottle bearing a prescription for responsible sexual activity. Even though that also happens to be the line of some homosexual activists these days, this cut close to the liberal heart. Ramirez is drawing regular protest letters to the editor, much as Conrad did in his best days. Welcome to the new *LA Times.*

And what about its new publisher (and CEO) Mark Willes? By several accounts, he's rather a moralist. That's not to say a religious conservative, but get a load of this from a *New Yorker* piece by Ken Auletta on the departure of the paper's editor, Shelby Coffey: "Friends of Coffey say that he was made uneasy by Willes's fervor; by a Christmas party at which Willes invited a choir to sing carols and said that though he knew it was not P.C. to invoke Christ, he would anyway; and by his willingness not only to embrace a cause like educational reform but to pour the paper's resources into it. Coffey was uneasy, a close California friend says, with the fact that 'part of Mark's agenda is that he has an agenda. Mark wants to change the world.'"

Maybe it's catching: *Times* political columnist George Skelton did a sympathetic and touching profile of rightist legislator Tom Bordonaro as he battled a moderate Republican for Walter Capps' congressional seat.

But lest you think it's safe to go back in the water ... the *Times* newsies came up with features on the afterlife — and same old thoughts — of Doris Allen ("Standing Her Ground"), and on the ethnic consciousness of a line of MacArthur Fellows: "Latino 'Geniuses' Are Giving Their Cultural Identity a Lot of Thought." So might you if you had that kind of paid spare time. CPR

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Lungren IN 1998

Which former attorney general and GOP gubernatorial standard bearer will he resemble after election day: Evelle Younger in '74 or George Deukmejian in '82?

by Christopher Shelton

That Attorney General Dan Lungren is going to be the GOP nominee for governor is a foregone conclusion. The real question is which of his predecessors as attorney general and GOP gubernatorial standard bearer he will most closely resemble the morning after election day in November: Evelle Younger in 1974 or George Deukmejian in 1982?

An argument can be made for either one. On the answer to this argument lies much of the future of the Republican Party in California for the first decade of the 21st century. With Lungren as governor, the GOP can count on a fair redistricting after the 2000 census, even if Republicans are still minorities in both legislative houses. And any sort of fair redistricting will give the GOP fighting chances to control the Legislature and send somewhere between 22 and 28 congressmen back to D.C. But if Lungren loses, the Democrat governor, working with what would almost certainly be a Democrat-dominated Legislature, would produce a Democrat gerrymander. This would insure Democrat control of the Legislature through 2010. It could also endanger continued Republican control of the House of Representatives if the GOP margin of control were to continue at its current anemic level of a dozen or so seats.

Christopher Shelton is a political writer living in Sacramento.

The Younger Parallel

Evelle Younger was the Republican attorney general of California from 1966 to 1978. He was a mainstream, law and order D.A. for L.A. County when he rode Ronald Reagan's coat tails into the attorney general's office. He was associated vaguely in the voter's consciousness with support for the death penalty and stronger sentences for bad guys. But above all he was bland, stodgy, and lacked a strong image among Californians. He was aloof and never really made a visceral connection with the grass roots and volunteer types. Younger was the GOP nominee against Jerry Brown in 1978, ran an incredibly inept campaign and got clobbered in November. He took the entire GOP statewide ticket down with him with one exception — a state senator from Long Beach, the nominee for attorney general, who had gained statewide notoriety as a senator for leading the charge to reinstate California's death penalty: George Deukmejian.

The Deukmejian Parallel

Throughout the late '60s and early '70s, George Deukmejian was a quiet, bland, and somewhat stodgy assemblyman and state senator from Long Beach. His voting record however always put him among the most conservative of GOP Senators — alongside John Schmitz, H.L. Richardson, John Harmer, Jack Schrade, and Dennis Carpenter.

After the U.S. Supreme Court overturned every death penalty statute in America in the mid-1970s, Deukmejian teamed up with his colleague, H.L. Richardson, to spearhead the effort to reinstate it in California. The well deserved fame Deukmejian achieved from this successful campaign paid off handsomely when he ran for attorney general in 1978. During his four years as attorney general, he courted GOP volunteers, maintained his association with the death penalty in the public mind, and made efforts to overcome his natural shyness to mingle with the grass roots.

In 1982, after surviving a truly ugly and bitter primary with then Lt. Governor Mike Curb, Deukmejian was a heavy underdog to the Democrat gubernatorial nominee, Los Angeles Mayor Tom Bradley. Deuk-

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mejian stuck to his law and order theme through the campaign, and, helped by a huge turnout of rural conservative voters opposed to a handgun ban initiative on the ballot that year, he narrowly won the election.

The Lungren Puzzle

So does the Lungren 1998 jigsaw puzzle come together resembling 1978 or 1982? In the opinion of this reporter, the early tea leaves are only fair to middling for Lungren, with an asterisk present to represent a possible gift from the Democrats.

Let's face it, Dan Lungren does not have a warm cuddly personality. Evelle Younger-esque adjectives "bland," "aloof," and "stodgy" have been used — with some fairness — to describe him. Most statewide surveys indicate his image is largely fuzzy with many voters, even after eight years as our top law enforcement officer. (Unlike Deukmejian, of course, Dan Lungren has served under a Republican governor at least as jealous of the spotlight as most politicians.)

Lungren's relations with the grass roots, volunteers, and sundry "single issue" activists is lukewarm, with the exception of the prolifers who rightly honor his steadfastness on that issue. Some of the most conservative volunteers view Lungren with outright suspicion-*cum*-hostility, thinking him too enamored of "big" government and its ability to solve society's problems.

As with the Younger campaign of 1978, Lungren's day-to-day campaign team lacks folks who have faced the best the Democrats have to offer on the electoral battlefield. We're not talking "senior advisor brain trust" or "kitchen cabinet" here, but rather those charged with the on-site implementation of a campaign plan. We're talking about folks who have faced the full onslaught of the Democrat campaign pros on a statewide basis. Having been involved in the Lungren walkover of Tom Umberg in 1994 doesn't cut it, yet that is apparently the group who will be running the campaign.

Also as with Younger, Republican rank-and-file voters — as opposed to activists — are somewhere between resigned and content that Lungren is going to be their nominee. What is missing is the core of folks who are enthusiastic at the prospect: people who will walk the extra mile or extra precinct simply because they believe in Dan Lungren. (Although, again,

Lungren's Campaign Team

Campaign Director David Puglia and Senior Consultant Rick Davis on the team's experience, the grass roots, and the issues

California Political Review: Is your team prepared to run a statewide, top-of-the-ticket campaign of crucial national importance?

Rick Davis: I've been involved one way or another with three governor's races, the presidential election in '88, the U.S. Senate race in '92, and the attorney general's race in '94 — as has Brian Lungren, almost the same track record and Joanne [Davis — this campaign's finance manager] has managed Dan's campaigns for years. Have any one of us been the campaign manager for a governor's race? No, but people that have managed governor's races are on our team. As advisors we have Steve Merksamer, Stu Spencer, Larry Thomas — George Deukmejian is our campaign chairman. So, we have a good team that has a lot of practical experience in the four of us with Dave, Joanne, Brian, and myself, and we have a great team of advisors. Our pollster is Dick Dresner, who's been with Wilson forever. He's a key player in our strategy group. Mike Meyers has been targeting for statewide campaigns for 25 years, including Wilson's race in '90. Gary Hunt, who has been one of Wilson's chief finance folks and advisors, is very much a part of our team as an advisor and some day-to-day activity, especially regarding finance.

David Puglia: I'd answer the question this way: Dan Lungren cleared the field for the nomination, put $2.6 million in the bank before the year started last year, and is at better than 40 percent according to the Field poll which is probably a few points too conservative. Those things don't just happen. They happen because a group of people who are dedicated and talented worked their tails off from the candidate on down.

CPR: Is the volunteer effort working?

Puglia: We're bumping close to 20,000 — we're at 19,000-plus — those are hard numbers, signed on the dotted line, and purged for duplicates. Lungren has now held grass roots meetings in, I think, 52 of the counties. We'll get to 58 before the primary. We ask each volunteer to find five more people, talk with them about Dan Lungren, and sign them up. We provide material and support, but we know this can't be done from the top down. We're signing up the core activists who be-

Interview conducted by CPR *Editor John Kurzweil*

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come the leadership in their home counties. With information from us, they have the responsibility to increase their numbers, and — further down the road — to set up the precinct operation. We're now still forming our county leadership and have roughly 30 county chairmen.

CPR: What are key campaign issues?
Davis: Education has always been a Democrat issue, but people are realizing the system is not working so Republicans have an opportunity to make bold proposals. Our overarching theme is local control — a real shift from centralization, getting Sacramento out of the business of dictating every program and how every dollar is spent, and returning responsibility for implementation in the districts and the schools.

CPR: Where are you on specific issues — does Dan support phonics rather than "whole-language," for instance?
Puglia: Yes. One of the people Dan admires in the California education arena is Janet Nicholas almost entirely because of her role on the state Board of Education and her willingness to stand up to the Sacramento education establishment to restore common sense curriculum.

CPR: Is Dan Lungren a "big government" conservative?
Puglia: Dan favors smaller government, but not *no* government. Government should be limited and efficient. If he were a "big government" Republican, he would not have received so many awards during his 10 years in Congress from the National Taxpayers Association and the National Federation of Independent Business. This is a guy who voted against funding a new federal building in his own congressional district and there are still people in Long Beach who hold that against him. But it wasn't needed.

CPR: On the Second Amendment?
Puglia: Dan Lungren doesn't carry the official positions of either side — of the NRA or of the handgun control crowd. I think he's where most people are. He supports the Second Amendment. He believes that it actually means something, unlike the handgun control crowd which thinks it only applies to the military. Lungren believes the Second Amendment guarantees individuals the right to keep and bear arms and within that, as the Supreme Court has determined, reasonable restrictions can be applied such as to ban machine guns, to ban convicted felons from purchasing firearms or possessing firearms — for those types of things, the background check particularly has worked well in California.

CPR: Statistics show crime diminishing when concealed carry permits are available for most citizens. Has he taken a position on this?
Puglia: No. There are some studies out of Florida and Texas and those will have to be looked at. But he has been supportive of the current system which grants the discretion to the elected county sheriff. Whether or not the underlying state statute should be re-written is another question, but there is a benefit, I think, in having discretion granted the local sheriff because the conditions that Sheriff Block faces in Los Angeles are certainly not the same as Sheriff Bruce Mix faces up in Modoc county. So it seems to make sense to have the elected sheriff who is accountable to the people of the county granted that discretion.

CPR: What is his position on asset forfeiture?
Puglia: He's always supported the notion that law enforcement should be able to use civil asset forfeiture in drug cases where appropriate. That is not to say that asset forfeiture as it was created in the 1980s, largely thanks to Dan Lungren, should never be reviewed and, where appropriate, reformed. Henry Hyde proposed a list of reforms of the federal asset forfeiture statute — Lungren's AGs office agreed with many, though not all, of them.

CPR: Which reforms does he support?
Puglia: If memory serves me correctly, the problem of being unable to mount a defense in a criminal trial was addressed by one of the Hyde reforms. I don't know where that is in the congress, but that's something I think we've looked at as a possibility.

CPR: Does he consider a taking of assets that leaves a defendant unable to defend himself an injustice?
Puglia: You have to look at that on a case-by-case basis. You have to remember: civil asset forfeiture is separate and apart from any criminal action that may or may not be taken. It's not a criminal action; it's an action against civil property. So to meld the two is to misunderstand what the U.S. Supreme Court has consistently held to be appropriate which is a separate civil action. I think at bottom there are some people out there who would like to see civil asset forfeiture abandoned and that's not something Lungren is going to do to law enforcement.

CPR: How will you handle the life issue?
Puglia: Even in a state where the majority of voters are "pro-choice," the debate is now about what restrictions are reasonable enough to be accepted. Parental consent [for minors' abortions] certainly seems to be one of those, as is a ban on most partial birth abortions.

CPR: What was Feinstein's position on that?
Puglia: She stood on the Senate floor in opposition to the bill that would restrict partial birth abortion except to protect the life of the mother. That is as far out of the mainstream as you can get. CPR

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to be fair, George Deukmejian had no such cadre either.)

Okay, enough of the crepe hanging. What are the signs that the puzzle might resemble 1982 instead of 1978? Actually there are several. To begin with, many of the criticisms above could have been (and were) applied to George Deukmejian in 1982. He overcame them by concentrating on his strong suit: crime and punishment. Tom Bradley was correctly perceived as a soft on crime liberal, and the tenor of the times in 1982 allowed Deukmejian and his handlers to keep crime on the front burner of the campaign.

Lungren clearly occupies an office that ought to allow him the same luxury. Yet the statewide survey numbers show that he has much ground to make up if that is his plan. In establishing a more focused *persona* on a statewide basis, he should be aided by his somewhat rough-hewn yet telegenic looks. When he talks about an issue that is close to his heart — such as crime and punishment — he clearly does so with passion and strong belief. The questions are whether he can keep the campaign focus on the issues he wants to talk about, or if he cannot, can he bring equal passion to other issues — and will he be believed?

The Republican grass roots may well be standoffish toward a Lungren candidacy, but in the final analysis

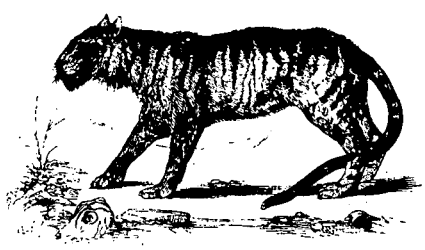
The Lungren Difference:

Judicial Appointments

If Dan Lungren is elected governor in 1998, how would California government be different? Start with judicial appointments, where Pete Wilson's record has been decidedly mixed. You can bet that Kathryn Werdegar and Ming Chin wouldn't have been elevated to the California Supreme Court by Governor Lungren. Who, then?

The front runner in these admittedly speculative sweepstakes has to be Robert Puglia, current presiding justice of California's Third District Court of Appeal in Sacramento. His credentials are hard to beat. Appointed to both the Superior Court (1971) and Court of Appeal (1974) by Governor Ronald Reagan, Puglia is the senior presiding justice on the intermediate appellate court, making him a member of the three-member Commission on Judicial Appointments (along with the chief justice and the Attorney General) since 1991. In this capacity, Puglia votes on the confirmation of nominees to the California Supreme Court. (Puglia blasted the state Bar's JNE Commission for its "not qualified" rating of Justice Janice Brown.)

Inexplicably passed over for promotion by George Deukmejian for eight years, Puglia has patiently waited for an opportunity to move up to the state high court. Puglia is widely admired as a thoughtful (and nearly unerring) judicial conservative in both civil and criminal cases. The Third District decides more than its share of important legal issues because it hears appeals from cases filed in Sacramento, where most political litigation commences. In one of his more recent opinions, Puglia quickly dispatched the claim by an 11-year-old girl that she was discriminatorialy denied membership in the Boy Scouts. In contrast to the state Supreme Court's foot-dragging in the *Curran* and *Randall* cases, Puglia issued his decision in *Yeaw v. Boy Scouts of America* within *weeks* after it was argued. Puglia's opinion in *Yeaw* posed this rhetorical question: "If the [Unruh] Act were to apply to the Boy Scouts, it is difficult to see how any nonprofit, private membership organization could escape the smothering embrace of ubiquitous, omnipotent government. Must a church admit agnostics?"



Puglia is no shrinking violet. In an age when many people, especially judges, are reluctant to challenge the mentality of "political correctness," Puglia demanded the removal of a member of the Judicial Council's Access and Fairness Committee because of public statements she made evidencing racist and sexist bigotry toward white male jurists. True to form, Chief Justice Ron George refused to take any action.

It probably doesn't hurt Puglia's chances that his son, David, is Lungren's campaign manager. Puglia's only drawback is his age, 68. By contrast, Janice Brown, Wilson's most recent appointment, is 48. Stanley Mosk, however, is still going strong at age 85.

So, assuming good health and an appetite for the work, Puglia is not too old. With his nearly 25 years on the court of appeal and impressive conservative track record, Puglia clearly *deserves* to be Lungren's first pick for the California Supreme Court.

— *Mark S. Pulliam*

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they will be given no alternative. Certainly Dianne Feinstein or any likely Democrat nominee will be sufficiently liberal and activist to alarm the GOP base.

And the Democrat asterisk I mentioned earlier? It is the prospect that Dianne Feinstein will not run, a possibility that has been significantly diminished by the recent removal of Proposition 208's fund-raising restrictions. By the time you read this, Feinstein may have declared one way or the other. If she ends up *not* in the race, it would leave the Democrat field to a group of distinctly second stringers. In fact, without Feinstein, Lt. Governor Grey Davis would be the odds-on favorite to be the Democrat nominee. And Davis is perhaps the one Democrat in the state against whom Lungren could potentially run up the score and beat in a landslide — with all the implications that would have "down ticket."

Of the other potential nominees, Al Checchi would clearly be a wild card, but it is hard envisioning him defeating old war-horse Davis in a Democrat primary no matter how many millions he spends. Some Democrats pine for Leon Panetta if Feinstein demurs, but it is questionable how valuable a nominee would be who was deeply involved in White House fund raising during 1995 and 1996.

Which brings up the other potential gift from the Democrats — a scandal meltdown in Washington involving the Clintons. Such a development would mean all bets are off. Then the comparison year would properly be 1994 instead of '78 or '82.

To be compared to George Deukmejian and not Evelle Younger next November, Dan Lungren must get moving. He should reach out in convincing ways to an alienated or complacent grass roots. He needs a stronger campaign team with seasoned veterans who have battled the Democrats in nuclear showdowns toe-to-toe. Most importantly, he needs to focus his *persona* for the voters and find his voice on the issue or issues he thinks he can ride to victory — in which he also sincerely, passionately believes. CPR

McKinney

(Continued from page 5)

from jury duty on grounds they were *not* citizens.

Two questions are being asked about this list: first, did anyone on it actually vote in the 46th? and, second, if any did so vote, did they do so illegally? (Were they in fact non-citizens or ineligible for any other reason?) Anyone on the list for whom the answer to both questions is a verified "yes" adds another name to the total stacking up against Sanchez' margin of victory.

On December 10 Jones answered question number one. He reported that 2,474 of the more than 4,000 individuals named on this list had in fact cast ballots in November 1996 in the Dornan/Sanchez race. This number includes 264 of the 305 previously confirmed non-citizen voters in the 46th plus the 124 bad absentee ballots. Subtracting these leaves 2,086 ballots which the evidence strongly suggests were cast illegally. Determining how many actually *were* cast illegally — answering question number two — is what has kept investigators busy the past month. The INS and the Orange County registrar and jury commissioner records of these 2,086 voters are now being double-checked.

We have come a long way. When Dornan first claimed the election had been stolen, Democrats angrily denied anything improper had happened. Later they claimed "only a few" votes were illegal. As evidence of hundreds of votes cast by non-citizens mounted, they shifted to charges of GOP anti-Hispanic "racism." Along the way, these champions of the efficiency of government agencies added vehement charges that INS records are "notoriously unreliable," even "worthless," implying most people in INS databases don't belong there. As for people who really weren't citizens when they registered and then voted, Democrats argued that lots of them have now become citizens, so why all the fuss over a technicality? Finally, now that it appears Sanchez' margin may have been created out of more than a thousand illegal votes resulting from a criminal conspiracy to break election laws, the Democrats have resorted to name calling, threats, and attempted intimidation.

The Democrat panic and hyperbole seems understandable. Consider: if only *27 percent* of the 2,086 voters now being double-checked turn out to be non-citizens, either according to INS records or their own declarations, Sanchez' margin drops below zero. Put another way, for Sanchez to keep her seat, at least *74 percent* of these people identified as non-citizens either by the INS or by their own testimony must turn out to have been citizens in November 1996 after all. That would make INS spectacularly incompetent even for a government agency and perhaps also indicate that three out of four citizens are prepared to deny their own citizenship to evade jury duty. The Democrats' desire to shut down this potentially explosive investigation early is thus readily explained, but it is also plain that ending it before completion is exactly what no one interested in honest elections would want to see done.

— *Next issue: how many of the 2,086* did *vote illegally?* CPR

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Hawaii: the Future of California

For a glance ahead, consider a state where whites have always been in the minority.

by Howard F. Ahmanson

We often hear that California is about to become the first non-white majority state, or state with a majority composed of minorities, or however it is put. But another state has already claimed that honor! Hawaii has always been a state where whites have been in the minority. Hawaii has wrestled with "multicultural" issues for a long time. Californians and other Americans may be quite used to vacationing there, but while we are having our fun it would be worthwhile to pay a little attention to the local scene.

The majority of the residents of Hawaii are Asian, the largest number being of Japanese descent with some Chinese and Filipinos and a few Koreans, though Koreans have mostly preferred California. Five to 10 percent of the people have some percentage of native Hawaiian blood, though there are almost no pure-blood Hawaiians. On the mainland, whites and some blacks are moving out of areas flooded by immigration; in Hawaii, whites are, net, moving in. It is important to note, however, that Hawaii's Asians are not, for the most part, recent immigrants; they are descended from people who came over in the late nineteenth and early twentieth centuries. Today's immigrants have generally preferred California, which has had a more vibrant entrepreneurial economy, largely because Hawaii was so long dominated by the "Big Five" corporations.

The historical reasons for the Big Five and Hawaii's other oddities are interesting. In the 19th century, most of Hawaii's land and economy fell into the hands of a few white (*haole)* families, like Bishop, Dillingham, Baldwin, and Parker, who sometimes did marry into the local *ali'i* (noble) caste. The corporations they founded were eventually known as the Big Five. They brought large numbers of Asians in as contract labor to work the vast fields of pineapple and sugar cane. California had its counterparts, the Irvines, O'Neills, Bixbys, Millers, Hearsts, and more, but they only controlled part of the land — others of the Mexican grants got broken up early into smaller farms and ranches — and they exercised little control over the commercial economy. Japan was the first main source of Asian labor, but the Japanese came largely from the Ryukyus, Kyushu, and in general the less developed south of Japan, and were often part of the Eta underclass that, in Japan, butchered animals and cleaned toilets. China, the Azores, and later the Philippines were also sources of labor, but at least three-fifths of Hawaii's Asians are of Japanese descent.

In the 1940s and '50s, culminating in 1954, there was a labor union and political movement by which the predominantly Asian workers took control of the territory from the Big Five. They could regulate the Big Five, they could unionize the Big Five, but they could not break up the Big Five; so both right and left in Hawaii retained a corporatist rather than entrepreneurial mentality. The establishment had been Republican, so the workers were Democrats; and Hawaii entered a long era of Democrat dominance, which continues to this day. The plantation experience is one major reason why most of Hawaii's Asians, unlike Asian-Californians, are Democrats. There is also little love lost between the Japanese-Hawaiians and the Japanese of Japan; because the social origins of the Japanese-Hawaiians were from a very low class,

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and the Japanese that visit the islands are from affluent middle and upper classes; because the Japanese-Hawaiians encounter the Japanese often in the form of big business and real estate development; and because of a little incident called Pearl Harbor. Hawaii's Asians do not carry the stereotypical image of the Asian Californian — the rather nerdy, hard working type who gets straight A's, plays the violin, and is studying engineering.

(The Chinese-Hawaiians, about 5 per cent of the population, fit the mainland pattern better; the word *pake* in Hawaiian English means both "Chinese" and "tight fisted." In the business community they seem to be as numerous as the Japanese-Hawaiians.)

Another force influencing the Hawaiian culture and world view is the Native Hawaiians. There are almost no pure-blooded Native Hawaiians, but up to 10 percent of the population has some Hawaiian blood. The old culture had some brutal elements. While premarital sex was permitted, on the other hand, a woman could be killed instantly for eating a banana or a coconut and a commoner could be killed instantly for letting his shadow fall on a chief. They had no system of writing. In the days before it became unfashionable to distinguish between "civilized" and not, they were therefore considered not civilized. However, they did build permanent stone structures as temples and "cities of refuge," places where people who had broken, or were accused of breaking, a *kapu* (taboo) could go to save their lives. Also, there was a vast lore of herbal healing, a tradition that continues to this day. The stories of the ancient Hawaiians, who came from Polynesian islands farther south some 1,000 years ago, were passed down by an oral tradition that also continues to this day.

Between 1790 and 1810 Kamehameha the Great united the islands into a single kingdom, and established a monarchy that lasted until 1893, long after Hawaii had been modernized, Westernized, and largely Christianized, and had already received large numbers of immigrants. It was not any crowned head of Europe that was the first monarch to have his voice recorded and to travel around the world, but King David Kalaka'ua of Hawaii. All this is far different from the history of American Indians of the mainland. The Hawaiian language has also achieved a unique place. This is a language spoken daily by hardly a thousand people, a tiny fraction compared to those who speak, say, Navajo, but which has nevertheless become part of the culture, a language which has left a long list of words in Hawaiian English, a language in which a whole school of popular music is recorded, and is a tourist attraction in its own right. (When I was last in Palm Springs there was not a steady stream of soft background music sung in Cahuilla.)

What, then, of Hawaii today? There is an active Christian minority, but Pele, the goddess who supposedly lives at Kilauea, regularly gets offerings of flowers and gin. *"Haoles"* are wary of getting into fights with "locals." The culture values the *ohana,* or extended family, but it is hardly Confucian. One might mention at this point Will Durant on ancient Rome:

"But most of the inflowing peoples had literally been demoralized by uprootage from their native surroundings, cultures, and moral codes; .... and daily friction with groups of different customs had worn away still more of their custom-made morality." (*Caesar and Christ)*

Is this sort of multi-culturalism, however, the reason Hawaii is the first state where same-sex "marriage" is seriously proposed? The gay activists would have us think so; they believe that in an environment of cultural "diversity," they are one more "culture." (Never mind that most of the ancestral cultures of Japan, China, the Philippines, and old Hawaii would have been appalled.) We shall soon see. The issue will be on the local ballot in November of 1998 and is expected to be voted down two-to-one. The fear, however, is that economic pressures may force same-sex "marriage" on the state. Hawaii, corporatist and relatively non-entrepreneurial, is one of the few states not sharing in the current economic boom. Even tourism is down. That means there is economic pressure to legalize casino gambling, to lure the Japanese, and same-sex "marriage," to lure certain Californians. I do not think, however, that the issue emerged first in Hawaii because of Hawaiian culture. I think it is a case of the imperial judiciary.

But the results of the 1998 referendum in Hawaii will tell us more about this. They will give us a clue as to whether "many cultures" must mean "degraded cultures"; whether Hawaii, at least, has been able to forestall what Rome, according to Durant, failed to forestall: the de-moralization of a multicultural society. That, in turn, will give clues as to what effect immigration is having on de-moralization in California; whether it aggravates demoralization, or whether it can be helped to hinder demoralization. Also, we will see whether the Republican Party can be revived in Hawaii after being marginalized by alienating the majority. A similar test is coming up in California: will the Republicans become the party of the white minority, and therefore irrelevant, or will they become the party of cultural diversity and moral and ethical unity, therefore fulfilling the best hopes of the immigrants? Time will tell. CPR

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CONSERVATIVES' UNFINISHED MISSION - PART II

THE TASK BEFORE US

Responses to *CPR's* William Rusher, Tom McClintock, John Kurzweil November/December colloquay on conservatives' present and future

featuring

Bill Leonard, Rob Hurtt, Bruce Thompson, Howard Ahmanson, Larry Arnn, Arnold Steinberg, Harold Johnson, Joseph Farah, Geoff Metcalf, Daniel J. Grimm, and John C. Gardner, with closing remarks by John Kurzweil

Republican Elected Leaders

Bill Leonard

CPR's discussion of conservatism's future in California perfectly illustrates our problem. Some are seeing ghosts where there are none. Simply, some conservatives have lost confidence for no reason at all. I ask you, which Party has changed the state's, and the nation's, political landscape? On virtually all significant issues, which Party has enjoyed the greatest political victories over the last 20 years? Which Party's long held philosophical views are increasingly the political norm, rather than the exception? And which Party's political principles are increasingly embraced by pretenders as their own? The answer is simple — it is the Republican Party, and only the Republican Party.

More importantly, something other than the dominance of our philosophy separates us conservatives from liberals and Democrats. It is our abiding faith in God. It's not that we believe in God and Democrats do not. We all know liberals of faith. Rather, it is that we recognize the lasting value and need for a spiritually- and morally-based politics. While we celebrate religious freedom and understand the need for secular governance, we place our faith not in the institutions of man, but in God.

Liberals, in their headlong rush to create utopia on earth, have placed so much faith in secular government that they have scrubbed our governance clean of any spiritual basis. Conservatives recognize that trying to govern without grounding our public policy on a moral or spiritual basis is like a ship at sea with no navigator. The crew doesn't know where it's been, where it is now, where it's going, or why it is at sea. Liberals have removed the moral compass from the ship of state. Conservatives want to return it.

This is leadership's most important role. Our faith must sustain us. Change not only comes slowly, it also frightens people. As leaders, elected Republicans must be sensitive to the concerns of the electorate while keeping our goal in mind. After all, this is a republic and we are their representatives. We cannot advance our agenda without due consideration of their concerns. For if we do, no matter how high our principle, they will surely punish us at the ballot box. This is where good policy is good politics. I have every confidence that with our faith, our principles, our vision, and our future, we can and will continue to lead.

Bill Leonard is Republican Leader of the California Assembly.

Rob Hurtt

CPR's feature "What Ails California Republicans" patterns an

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ongoing national debate among conservatives over the present state of the movement and the Republican Party. What is surprising about this discussion is its predominantly negative tone, reminiscent of a time when our ideals and policies were not ascendant but ignored.

If there is any truth to the "Conservative Crack-Up," as the *Weekly Standard* called it, it is the extent to which "movement conservatism" is still in its adolescent stage: a self-conscious teenager unable to see his many attributes beyond his faults. The view that the Republican resurgence has been a failure does not recognize our many successes, as well as the limits of sweeping policy change within American democracy.

In California our principles have been more triumphant than ever before: tax reduction that has spawned a vigorous economic recovery, the end of affirmative action, reform of welfare, criminal justice reform leading to record crime drops, to name a few. Ten years ago none of this would have seemed possible.

We must remember that California's history until recently has been an aggressive march towards socialism. California Republicans are now turning the tide, without legislative majorities or an impartial media.

Finally, as senate Republican leader I should address the criticism directed at Party leadership. While I am open to criticism and debate over the handling of certain issues, I cannot accept the accusation that a lack of leadership is "the bane of the Republican Party in California." California's Republican leadership is more committed to Republican principles than ever, and our leadership in the senate — Ray Haynes, Ross Johnson, John Lewis, and Jim Brulte — I doubt has ever been finer.

Some critics may resolve to lambaste the present leadership and wait for "another Reagan," but I doubt Reagan himself would share that view. Not only does it contradict his famous 11th Commandment "Thou shalt not speak ill of another Republican," but also his personal experience. Many of his Republican colleagues in California were looking for better leadership in 1966, doubtful that an ex-movie actor and political newcomer could beat Governor Pat Brown. We do not so much need Reagan himself as we need a renewal of his spirit and optimism, from *everyone* involved!

Bruce Thompson

I appreciate the important dialogue *California Political Review* has initiated about how the state Republican Party should govern. But before we jump into a deep policy debate about the direction of our state and Party, I think we should focus on the immediate task before us: November 4, 1998. With reapportionment in 2000 and the historical success of the Party opposite the president's in off-year elections, it is impossible to over-emphasize the importance of the 1998 general election.

Whatever electoral plan we as conservatives adopt will demand organizational unity, so I appreciate the dialogue *CPR* has instigated. I hope conversations like this bear fruit soon, however, for it is well past season for Republicans to grow beyond our current adolescent tendencies. So let me turn now to the nuts-and-bolts of what I consider a winning strategy for the upcoming election year.

To transcend the liberal press and speak directly to voters in this important election year, I think the state Party needs a no-nonsense leader that appropriately personifies Republican ideals. By default, the governor has always assumed this role for his Party. Hence, I think it is imperative that in 1998 conservatives rally behind the next governor of California, Dan Lungren. The indisputable reality of this state's political hierarchy means we must actively support the top of the ticket.

As a businessman, I know all successful organizations have a powerful individual at the helm. It is the same with political organizations — and probably more so. Although I am advocating strong allegiance to our presumptive leader, I do not expect Mr. Lungren to be a "political boss." It is incumbent upon the leader to work with the state Party in developing a qualified reservoir of elected officials to act as a board of directors in advancing Republican policies and supplying future Party leaders. These should include all Republican statewide constitutional officers and GOP leaders of both Legislative Houses.

I do not want to detract from the role of our current Party chairman, but because chairmen are limited to one, two-year term and that real political power resides in the state Capitol, Party activists must look to Sacramento for leadership. Witness the tremendous inertia gathered behind Propositions 187 and 209 with Governor Wilson's leadership; and watch the anti-union initiative take flight, now that it is one of the governor's own issues.

I know a few will criticize this as blind allegiance, citing problems between the current governor and

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many Party loyalists. And there are those conservatives wary of casting their lot with any leader, suspicious of politicians prone to compromise. But this is political reality and must be our agenda. Moreover, I know Mr. Lungren is deeply committed to the conservative principles we share. California's multiple media markets require an articulate top-of-the-ticket spokesman. Working *with* legislative leaders, Mr. Lungren's candidacy will speak directly and convincingly to California voters. I am confident our Party's policy positions are electorally popular, but any lengthy policy debate among Republicans now seems premature. Winning majorities in both Houses and retaining the Capitol's corner office should command our immediate and full attention.

Conservative Leaders

Howard F. Ahmanson

True Stories of the Fall

Tom McClintock and John Kurzweil are disagreeing over the significance of that doctrine which G. K. Chesterton called "the one doctrine of Christianity that can actually be proved": the Fall of Humankind. The Founders, even those who were not Christian, believed it and took it into account in their writing of constitutions. Reagan spoke as if it did not exist, and it is hard to tell if this is because he did not believe in it or because he understood it so well that he knew that he, a fallen man, should not take the risk of speaking of it to a fallen audience in a political context. But he did know most people think of themselves as good and virtuous, and therefore that he could appeal to eternal principles and thereby win votes as long as these principles did not too blatantly offend someone's self-interest, or NIMBY, or the like.

But Abraham Lincoln presents another example of someone who both spoke to principle and also at the same time recognized and dealt with the depravity and self-interest of the people of his time. He affirmed black Americans' essential humanity, but told another audience, and not a Southern one either, "I am perfectly content to have the superior position be held by the white race." Of course, for the next generation or so, that was inevitable, even if emancipation had been instant and there had been no Jim Crow, because the slaves were uneducated and used to slavery. He decided that slavery was wrong, but took a Free-Soiler rather than an Abolitionist position on it, thereby putting himself in the company of many who wanted to exclude slaves, and for that matter blacks, from the territories for economic reasons. He had to accept the support of the Know-Nothings, an anti-Catholic nativist group, because they were with him on slavery. In the debates with Douglas, he first of all took a position against "popular sovereignty," holding that slavery was such a moral evil that we should not indifferently give the electorate of a territory the right to choose or reject it. By that he showed the North that Douglas was relatively indifferent to the moral issue. But at the same time Lincoln understood the nuances of dealing with different groups that disagreed with him. He maneuvered Douglas into saying he supported the *Dred Scott* decision, which held that Congress could make no laws against slavery in the territories, and that he *also* supported the territorial Legislatures' right to make laws unfriendly to the institution of slavery, laws that would *de facto* forbid it. This position was no longer acceptable to the radicalized South, which turned its back on Douglas more completely than the North did and ruined his chances for the presidency.

Lincoln knew what he was doing. Lincoln also declared his intention to respect the *status quo* in the states, as opposed to the federal territories; but he prophesied in his "House Divided" speech that the United States must inevitably become all slave or all free. In the conduct of the Civil War, Lincoln kept politically-connected generals on in a few places, though for the most part he had a fairly free hand and was ultimately able to find General Grant to head up the job.

Lincoln and Reagan were as effective as they were because they understood both the "better angels of our nature" and the worse ones. Yes, we need to understand our nation's founding principles. And our fallenness, not just of a small leadership elite — but not excluding that elite! — is one of the most important of these principles.

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Larry Arnn

One cannot help but be impressed with the Democrats, especially with the two of them who live in the White House. Their principles and policies unpopular, beset with scandal, they fight for every inch and give up very few. Holding to doctrines that offend the common sense and outrage de-

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cent opinion, they say as much as they can and no more. Lacking support in the solid middle of the country, they build a majority out of elites, interest groups, and the functionaries of the massive government they have built. Then they call themselves the party of the people and brand their enemies oligarchs and plutocrats. Against all odds, they defend what they have won over the past three generations. And more: they extend it here and there, ever alert for the small opportunity, even when the large one is foreclosed.

These are people who understand the use of power. They conceive themselves the engineers of the future. The mission is clear (Hillary: "our mission is to change what it means to be a human being in the 21st century"). The methods are available and familiar. The Army is trained and motivated. Their tool is the government. The matter upon which they work is us. They are political men and women.

Compared to these people, Republicans today act under principles that give rise to political restraint. They would make poor despots. They are reluctant rulers. That quality is also their defect. In competition with the opposing party, they are less likely to entrench themselves, to build lasting institutions to enforce their principles, to oust their opponents for good and all. This is the contemporary form of an old problem in politics. Despots are numerous and good at seeking power, whereas statesman who know and seek justice with real effectiveness are rare. That is what makes political history such an unhappy tale.

The answer to the problem is George Washington and such as he. He was a political man (like, incidentally, the three authors of essays), not a priest, nor simply a private citizen who took a little time to do public service. Compared to the despot George III, he was more resolute, even lethal (he crossed the Deleware on Christmas night to destroy a British force). King George formed the obvious opinion that George Washington would become our king. After Yorktown he took solace in the thought that the new king George would be a despot, and the people of America would desire their old monarch. A minister told him that the ruthless and lethal Washington intended to resign his commission and let the people choose a government. Startled, King George responded: "if he does that, he is the greatest man alive." Such men are necessary, from time to time, if we are to have free government.

George Washington possessed both principles and an art. The principles addressed not our salvation, but what Lincoln called our "political salvation." That is not the same thing as salvation simply, but it is a high thing, possible in light only of the highest things, and inseparable from their pursuit. The principles of political salvation give us guidance in political action specifically. George Washington derived a practical and political guide from a great abstract truth. Without disguising his own greatness, he made it possible for others to rule themselves. This was his life's work. He possessed a large body of knowledge, and he gained a vast experience, organized around that work and specifically relevant to it. No carpenter or architect, or sculptor or musician, mastered his art in all its parts better than the Father of our Country did the ruling art.

These three noble and eloquent essays take steps toward the recovery that is necessary to preserve the last best hope of mankind on earth. Other steps remain. We need not just a party of principle, as opposed to a party of government. We need a party of principle devoted to decent government, steeped in how to run one. Its members will have to know that the principles by which they act are not economic or religious, but political — "American." Its leaders will be political men, adept at the art, practicing it for all they are worth, deserving of honor for what they do. They will remind us not only of the overarching fact that God is greater than we. They will show us how to do His will in politics. "Resistance to tyrants," ran the revolutionary slogan, "is obedience to God."

Arnold Steinberg

In the absence of the Soviet threat, and even with majority control in Washington, conservatives flounder. Bill Rusher is right that it's time to reaffirm Judaeo-Christian religious tradition, but many natural allies of conservatism believe these values should be reaffirmed without government intrusion. Too many conservative meetings seem like religious revivals; we forget that a reform like school choice is meant to get the government out of education, and that's what we need — to get the government out of things. Oddly, even a neutral government would be an acceptable improvement over the *status quo*, in which the government and public schools appear to embrace a counter culture. When the University of California extends marital benefits to unmarried persons,

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the government is not taking a neutral position, it's advocacy, using state tax dollars taken from citizens by force.

Too often, conservative elected officials appear angry and confrontational. They are unwilling or unable to communicate outside the base. They mistake the important principles of resisting collective groupings and resisting enforced diversity with the need to communicate to a variety of people and to make them feel welcome. Proposition 187 was needlessly depicted as anti-immigrant and anti-Hispanic. Proposition 209 would have won by more if Republicans had proudly and positively rallied around it instead of apologizing for supporting it.

In the end, politicians can only do so much, and changing our culture is more important. The conservative movement should be much more than politics, but too often it has been reduced to a caricature of religious zealots seeking to enforce their virtue through political power. Elections come and go, but values are here to stay.

Journalists

Harold Johnson

William Rusher rightly reminds us that conservatives, for all their triumphs of recents years, are still locked in battle with the left over the fundamental character of the culture — or at least they *ought* to be battling upon that front, because our ideological foes certainly are. The Soviet menace has evaporated like the witch of the West doused by Dorothy, and market economics have triumphed over the sophistries our college textbooks touted, but the more basic conditions of a sustainable liberty — the moral norms that undergird order in a free society — remain under assault.

This is a peril that should summon even the libertarians to the ramparts, because the freedoms they cherish require an infrastructure of social order. Yet when the California Supreme Court does the bidding of social nihilists and strikes down the parental-consent law for minors' abortions, the conservative movement cannot rouse itself to respond. The limp effort to place a constitutional amendment on the 1998 ballot petered out in a bog gurgling equal parts apathy, incompetence, half-heartedness, and distraction. One might have thought that electoral considerations, if nothing else, would have prodded some major GOP donors and political leaders into action. Having such a measure on the ballot would have given gubernatorial candidate Dan Lungren a winning hand when his Democrat opponent inevitably raised abortion as an issue. When parental consent and parental rights frame the abortion debate, liberals lose.

But the importance of the issue goes beyond transitory political strategy. Lady Thatcher summed it up at September's International Conservative Congress when she identified as a major "Threat to the West" the "*systematic attack on the traditional family*" (her emphasis). "(T)here has recently been a full-scale and deliberate assault on the institution of the family itself — on the innocence of childhood, on the man's role as bread-winner, on the binding sacramental nature of marriage," she said. "We conservatives are not, most of us, saints: but even as sinners, above all perhaps as sinners, we have a duty to resist the attack on the family that threatens the West at its foundations." Alas, it is a duty that the conservative movement in California, either because of confusion or flabbiness, has not risen to with the urgency that events demand.

Joseph Farah

Boys, boys! You're all missing the point. The future of California has little to do with what we think of as "political leadership" and electoral victories.

For far too long, conservatives have been waging their war of ideas in the political arena alone. Meanwhile, the left and its fellow travelers have conquered every single cultural institution that shapes the way Americans think. Some of the most influential of those institutions — like the entertainment industry — are based right here in California. But, I'm also talking about the press, the foundations, the universities, the schools, the trade unions — even the churches, for heaven's sake!

God bless Tom McClintock, one of the most visionary, tenacious, and courageous California politicians. But, Tom, we can't win the all-important culture no matter how effectively we play politics. And without the culture, long-term we're fighting a losing battle for the hearts and minds of the people. Remember this: Politicians don't lead, they follow. Ever notice what happens to politicians who hang around Washington or Sacramento too long? Even some of the best of them get corrupted. They fall under the sway of the conventional thinking — establish-

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ment thinking. That's an example of the power of culture.

On the bright side, here's another one. Not long ago, KSFO, the San Francisco ABC radio affiliate, decided to program the station with all conservative talk hosts. Not only has the format been a profound business success in that unlikely marketplace, it has also demonstrated its ability to affect political change. It was KSFO's talk-show hosts who, virtually alone, led opposition to the government-mandated toxic gasoline additive MTBE. Popular sentiment followed. It's only a matter of time now before MTBE is eliminated from our gas supply.

That's the way culture works, conservatives. Change people's hearts and minds and the politicians and the votes will follow. That means buying newspapers, radio stations, developing new educational resources, re-directing charitable contributions and, yes, even regaining control of our churches. Only then will there be a real future for California conservatism.

Geoff Metcalf

Doctor Robert Jarvick (inventor of the artificial heart) said *"Leaders are visionaries with a poorly developed sense of fear, and no concept of the odds against them. They make things happen."* Reading Tom McClintock's piece on "What Ails California Republicans?" my first reaction was "... lack of principled leadership." I host a daily radio talk show on a very conservative radio station in a very liberal city (San Francisco). I routinely interview conservatives and entertain calls from conservatives. In the wake of my experience I have some observations that some of you won't like. Unlike those of you who cling to partisanship, I focus on *what* is right or wrong rather than *who* is right or wrong. Ronald Reagan was right. Bill Clinton is wrong. I steadfastly reject the so-called eleventh commandment: Thou shalt not speak ill of any Republican. If you take umbrage at this, shame on you. What is gained in compromising principle for partisanship? If we continue to support and elect watered-down conservatives we will continue to get watered-down conservatives as candidates.

Reading Bill Rusher's "Conservatives' Unfinished Mission," the imperative I see is commitment to principle. However, first, one must embrace a principle (other than getting elected). The conservative challenge is twofold. First, to define one's conservatism: Do you support the Constitution and the Bill of Rights? Secondly, what will you do to defend your principles? Lead, follow, or get out of the way.

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CPR Readers

Daniel J. Grimm, Ojai

Thanks to William Rusher and John Kurzweil for thoughtful statements on conservatives' unfinished mission. Our moral cancer has many symptoms, but all stem from the erroneous notion the human will is the creator and arbiter of the good. It doesn't take precise agreement on belief, or a theocracy, to build the necessary consensus to save civilization — just a humble acceptance that the inalienable truths, which don't depend on us but we on them, are the foundation, justification and essential limitations of our liberties and laws.

As is obvious to almost every sane person, we are neither self-creating nor self-sustaining. The only mature thing to do is live in awareness of that reality. The modern thought experiment, since at least Descartes, pretending we aren't dependent, has led paradoxically to the most spectacular enslavements in history. The fact that it is a Supreme Intelligence that we are dependent on has not been so obvious to all, but all those not interested in living in the Gulag can make common cause in favor of affirming inalienable truth and resisting that relativism which quickly makes human society subhuman.

While agreeing with Mr. McClintock on virtually every particular of economic and legal prudence, I have to agree with Rusher and Kurzweil that if we don't address the fundamental question, all this prudence just places a band-aid on the cancer.

John C. Gardner, Bakersfield

Thank you for publishing the fine analysis by Tom McClintock of the root causes for Republican decline in California. It should be of great concern that nearly two thirds of new voter registrations are choosing "decline to state" or third parties when in the '80s a like proportion of new voters became Republicans. Clearly something is wrong, and Mr. McClintock's analysis seems to hit the mark. While I don't intend to ignore any of Mr. McClintock's points, his article brought to mind some lines spoken by William Wallace in the film *Braveheart,* when he was trying to persuade the Scottish nobles to join him in the

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fight against England: "people don't follow the titles, they follow the courage." Certainly there are California Republicans who show great courage from time to time and who seem to prevail; Pete Wilson and Ward Connerly come most immediately to mind.

As a "rank and file" Republican, however, I found Mr. Kurzweil's response to Mr. McClintock profoundly disturbing. As an apology for the "few imperfect men" who now lead the party, it doesn't even get out of the starting gate. Mr. Kurzweil says Mr. McClintock's blanket characterization breaks down when applied to individuals as if individual behavior were the main problem. Unfortunately, what is under consideration is political, that is to say, *group* behavior. Groups are either geared for flight or fight. All too often, Mr. McClintock argues, the leadership as a group is in flight mode. Hence, his allusion to Mr. Churchill's comments about councils of war is right on point!

Mr. Kurzweil correctly attacks the idea that fear on the part of leadership is an "explanatory force accounting for the lack of conviction" evident in leadership. If he will re-check the article, Mr. Kurzweil will find that Mr. McClintock never argued such causation.

Next, Mr. Kurzweil attacks the proposition that Republican leaders took principled stands during the Reagan era, and he illustrates from his own experiences at the time in an attempt to show (I guess) that the current behavior from California Republican leadership is no more venal, misguided, shortsighted, and inconsistent than then. I won't quarrel with him on this; I wasn't in Washington then and I'm not in Sacramento now. I was then, like many others, very aware that the Party was being led by a man of great principle, courage, and conviction; I am now, like many others, very aware that today's Party in California is not so led.

The next defense undertaken by Mr. Kurzweil appeared to me to have as its major thesis the idea

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that the Republican rank-and-file is so self-interested, lethargic (or downright lazy), uninformed, generally debased, and incapable of principle that (I guess) we don't deserve leadership with courage and conviction. Or else maybe he's arguing that we don't support such leadership. Or, that elected officials cannot accomplish anything unless the rank-and-file starts it first. Or perhaps that even though it is the job of leadership *to lead* that it won't work in this case. Whatever it is he's saying, one thing is clear: We're pretty awful and the leadership is to be pitied for having been stuck with the likes of us. There is a way out, however, as set forth in Mr. Kurzweil's last argument which I can only characterize as the "Hie thee to a nunnery" solution to the problem of dealing with the slings and arrows of our misfortune.

I almost hesitate to discuss Mr. Kurzweil's final argument because it is clear that this is supposed to be the "heavy" stuff missed by the mere politician, Tom McClintock, and also because it appears to me that Mr. Kurzweil is a person of religious conviction. Many of us share the concern he voices about the importance of religious values, and I certainly mean no disrespect for the argument advanced; I simply don't find it helpful politically. The argument: It is all because of the decline of religious values in Western Civilization. The answer: Look to the salvation of our individual souls and leave all to God's will (*i.e.:* "Hie thee to a nunnery"). This is, I must say, "inspired" avoidance of responsibility! More remarkably so for being set forth in a *political* journal. Perhaps Mr. Kurzweil should consider that some of us rank-and-file Republicans would like to take some effective action before the barbarians get here (of course, we don't see ourselves as *being* barbarians although Mr. Kurzweil evidently sees us that way). When we read the de Tocqueville quote ("not until I ... heard pulpits aflame with righteousness ....") we understand that even in that age someone had to have the courage to say the unpopular (else why the need to say it at all) and to lead others to act in concert in an attempt to effectuate it. But at least *they tried...*

John Kurzweil

California Political Review is honored by and I am grateful to all the participants in this two-part discussion. It was instigated by William Rusher's argument that conservatives' mission now is to fight for the West's Judaeo-Christian religious tradition against the

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Enlightenment's tendency to reject it and Tom McClintock's related point that our immediate problem is that short-sighted expediency has supplanted dedication to principle — specifically the principles of political liberty — among our California Republican leaders. *CPR* published their views last issue with my rejoinder to Mr. McClintock in which I agreed that greater devotion to principle is essential but that the deficiency goes far beyond our Republican leadership and that the principles involved are those of our religious tradition: that liberty will not be sustained as an end in itself, but only as an outgrowth of devotion to faith in God.

A continuous public debate on these questions is central to our mission because the West is rooted in the unique idea that reality really is real and, thus, that truth matters — a notion that sounds unexceptional enough, but which not only distinguishes our civilization from all others throughout history but accounts for its being the one genuinely revolutionary, really liberating endeavor man has ever known: the truth will set you free, which is just what it has done.

The competing idea can be found more or less anywhere. I happen to pick up Dinesh D'Souza's book *Illiberal Education* and, opening at random, I read (in the chapter on "Multiculturalism at Stanford"): "Ridiculing the idea of a preordained set of great books, [history and Afro-American Studies Professor Clayborne] Carson said, 'There is something inherently anti-intellectual about the notion of an educational institution establishing a canon.' .... Canons are by nature inclusive and exclusive: they keep some people in, and leave other people out; this, Carson said, 'is just not an important game to play.'"

Just by holding an honest debate we take sides in the conflict; we acknowledge that an honest effort to "include" what is true and "exclude" what is false *is* an important game to play. But we do it too little. As Joseph Farah writes above, "... conservatives have been waging their war of ideas in the political arena alone. Meanwhile, the left and its fellow travelers have conquered every single cultural institution that shapes the way Americans think." I reiterate that this fact, especially evident in California, is a most glaring indication that conservatives are ill-prepared for the sort of culture-wide battle in which they find themselves. It further indicates a lack of appreciation for the main point of their own side of the argument. If truth matters, then shaping our own and others' thinking is our first political priority, and that means argument. Too often, conservatives react to an honest disagreement as though it were an act of disloyalty. But, for those for whom truth is central, what distinguishes friends from flatterers is that a friend will tell you when he thinks you are wrong. In the preceding pages, my friends have raised points on which they think I am wrong. I respond:

The West is rooted in the unique idea that reality really is real and, thus, that truth matters.

Rob Hurtt argues with my statement that "a severe shortage of good leaders has been the bane of the Republican Party." He paraphrases this into "a lack of leadership is the bane ... etc." but that is not what I said. To say we have too few good leaders is not to say we have none at all. For one example, in Reagan's home state two years after he had completed his presidency with the whole country aligned with our ideas as never before, a Party that can find no one better to champion them than Pete Wilson for our top electoral objective suffers a severe shortage of good leaders. If Wilson's "leadership," especially from 1990 through 1992 when he established his vision of "Republican" in the voters' minds, cannot be called a "bane," I don't know what can.

Bruce Thompson, referring to "the dialogue *CPR* has instigated," hopes it will "bear fruit soon" because "it is well past season for Republicans to grow beyond our current adolescent tendencies." Amen, and one such tendency is, as I said above, to consider every disagreement a personal affront, one of the misguided lessons Governor Wilson has taught our Party so well, displacing loyalty to the truth with a flatterer's loyalty to the man. Wilson's most attentive (but by no means only) student in this regard, seems to be Curt Pringle, who reacted with thorough adolescence to loss of the Assembly, lumping together and uniformly condemning every criticism of his role in it, the wise with the foolish, the selfless with the self-serving. Of course the Party's electoral objectives are its first priorities, but the idea that a robust policy debate would detract from that is not evident from Ronald Reagan's cam-

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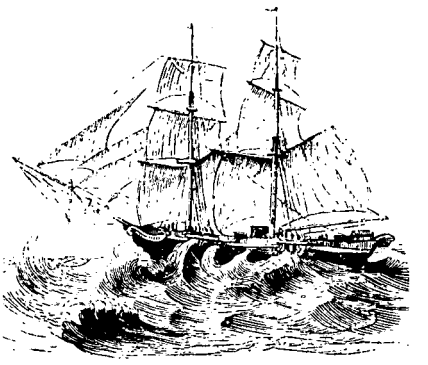
paigns which always, before as well as after the primaries, featured sharply-drawn stands on issues and contrasts with his opponents' positions. The voters were stimulated, not annoyed, because the debate was honest. To the extent that Mr. Thompson opposes straying from the issues into genuinely personal attacks, I agree with him. That, of course, was precisely what I criticized Mr. McClintock's article for doing. As the old Judaeo-Christian proverb teaches: hate the sin, love the sinner.

John C. Gardner finds my response to McClintock "profoundly disturbing," his first reason being because it fails "as an apology for the 'few imperfect men' who now lead the Party ...." It also fails as an apology for Barry Goldwater, for the theory of relativity, and for any number of other possible individuals or notions it neither stated as its purpose nor set out to serve. I wrote about the shortcomings of McClintock's "fine analysis ... of the root causes for Republican decline in California," the first of which, I wrote, "is that it provides an inadequate explanation for an evil far too pervasive and destructive to be loaded up on the frail shoulders of a few imperfect men" and that, as a result, it "sloppily and unjustly implies moral backwardness and cowardice on the part of honorable individuals." To support these assertions, I applied McClintock's labels — pusillanimous, unprincipled — to California Republican leaders to whom they clearly do not belong and then discussed the often uninspiring behavior of rank-and-file Republicans to show that lethargy in applying principle is not limited to the top.

In response, Mr. Gardner first invents a distinction between *individual* and *group* behavior to explain McClintock's having repeatedly characterized several individuals as unprincipled and cowardly even though he has no window into their souls. Nothing personal here, Mr. Gardner tut-tuts. McClintock meant only that they behaved badly *as a group,* in no way impugning their honor as individuals. It would be interesting to see this defense tried out in front of a judge: your honor, I know I was driving 80 miles per hour, but so were all the other drivers, so only the *group* is guilty — *I* personally retain my innocence.

I don't know Mr. Gardner's profession, but suppose he is a lawyer: would he believe there was nothing personal in an article appearing in a publication read by his friends that described all Bakersfield lawyers as sneering at the idea that the law "should serve principle," as approaching critical matters of their work "not as a matter of principle, but as a matter of gamesmanship," as unable to "take principled stands because they lack the courage of conviction," as indulging in "gutter" tactics, as "pusillanimous," and much more in the same mode? Anyway, Mr. McClintock never raises this novel rationalization himself, so, as a McClintock apology, *it* never leaves the gate.

Mr. Gardner then inverts my argument about Reagan as president, saying I attacked "the proposition that Republican leaders took principled stands during the Reagan era." I said Reagan, whom we agree *is* principled, did the same things that McClintock says prove California Republican leaders "unprincipled," and that McClintock can't have it both ways. After ignoring my real point,



Mr. Gardner then abandons his straw man as well — "I won't quarrel with him on this" — and wraps up this section by concluding that, despite his ignorance, which he admits, of events in both Washington and Sacramento, he nonetheless remains contentedly certain that Reagan was principled and that the Sacramento Republicans are not. I won't disturb his bliss further on this point.

Mr. Gardner is both confused and annoyed about my evidence that rank-and-file California Republicans show little enthusiasm when circumstances — the wholesale rape of the justice system by the left, for instance — call upon *them* to fight for principle. "... it is the job of leadership *to lead* ...," he protests, as though followers were to do nothing but observe the battle from the sidelines. Maybe, he supposes, I'm saying "that elected officials cannot accomplish anything unless the rank-and-file starts it first." No, merely that generals without an army win few battles. It evidently strikes him as utterly bizarre to suggest that the rank-and-file might do more, that if we are losing, it is foolish to limit ourselves to pointing fingers at our undermanned "leadership" while ignoring the multitude contributing little or nothing to the fight, or that the almost complete lack of conservative activity — either in leadership *or* as followers — in journalism, education, pop-

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ular culture, the arts, religion, even in the business community (if we are talking about *principled* exertions beyond mere self-interest) is a glaring factor contributing strongly to the problem and that critics of leadership should notice it. "Whatever he is saying," Mr. Gardner sniffs, "one thing is clear: we're pretty awful and the leadership is to be pitied for having been stuck with the likes of us." Just hold that thought, Mr. G., and when the thieves of the left have taken all you have perhaps it will comfort you to recall that it's all the fault of your awful leaders who should have defended better what you were too busy to defend yourself. As David Horowitz says: "One conservative activist is worth 10 leftists. The trouble is, for every conservative, there are 100 leftists." That is, a movement representing the core beliefs of a tiny minority of Americans fields an army 100 times larger than ours, although most Americans agree with us, and my mentioning it leaves Mr. Gardner "profoundly disturbed" — not at the imbalance, but at *me*. Please, just blame the leaders and leave us in peace.

My final point: that the cause of such lethargy when great things are demanded of us is our spiritual poverty, that, if we are talking about principle we should consider reviving the West's *first* principle — faith in God — the thought reduces Mr. Gardner to near panic. "Hie thee to a nunnery" is all I am saying. "... leave all to God's will .... 'inspired' avoidance of responsibility! More remarkably so for being set forth in a *political* journal. Perhaps Mr. Kurzweil should consider that some of us rank-and-file Republicans would like to take some effective action before the barbarians get here ...." All this from a man just finished chastising me for suggesting the rank-and-file might do more. By all means, Mr. Gardner, get up, *please* take some effective action, and may God bless you for it. A word of caution, however: when you go looking for help among your fellow rank-and-filers, you may find a lot of them will resent your attempt to disturb their slumber; some may even question your leadership abilities and as you do your best and yet still fall short occasionally, be prepared to hear from these otherwise inert beings about how it could all have been avoided had *you* only been more *principled.*

It is an indication of just how disconnected, not to say alienated, from our own heritage we have become that the merest mention of its defining first principle should bring forth such inane revulsion. In 1870, in *A Grammar of Assent,* John Henry Newman described "the national religion of England":

> It is not a religion of persons and things, of acts of faith and of direct devotion; but of sacred scenes and pious sentiments. It has been comparatively careless of creed and catechism; and has in consequence shown little sense of the need of consistency in the matter of its teaching. Its doctrines are not so much facts, as stereotyped aspects of facts; and it is afraid, so to say, of walking round them. It induces its followers to be content with this meagre view of revealed truth; or, rather, it is suspicious and protests, or is frightened, as if it saw a figure in a picture move out of its frame, when our Lord, the Blessed Virgin, or the Holy Apostles are spoken of as real beings, and really such as Scripture implies them to be.

As much, I think, could be said of our Judaeo-Christian traditions. They're all right as sacred scenes or pious sentiments, but talk about them as real, living ideas about truth and how we should behave toward one another, above all about how we should organize ourselves politically, and the suspicious, protesting, and frightened reaction stretches from the ACLU to conservatives like John C. Gardner. Our political discussions must never turn to religion as a system of ideas to be considered as we do every other system advanced. The excuse for this reticence is respect for one's right to form one's own religious beliefs, but the effect is to segregate our religion out of the discussion, to place it off limits in a debate that somehow manages otherwise to find room for everything from Marxism to libertarianism to homosexual "liberation."

Paraphrasing Bruce Thompson, it is well past season for conservatives to grow beyond such adolescent foolishness. If we are going to proceed without even the first principle of Judaeo-Christianity, faith in God, then let us stop pretending and find what first principle will take its place. But if we intend to salvage *the principles of the West,* then let us stop treating the first of them like an imaginary figment or a brittle artifact due to shatter if taken out of its case and examined. Our faith is real or it is nothing. We can't defend it unless we believe in it ourselves at least enough to recognize the central place it holds, with the political implications that flow from it, in any serious debate about political principle. CPR

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The Play's the Thing

How a powerful, moving, and thoroughly distorted account of the 1925 Scopes trial still stifles criticism of Darwinism far more effectively than anything done to ban teaching evolution in 1920s Tennessee.

by Phillip E. Johnson

AFTER ALMOST every lecture I give, some person — usually a parent — asks my advice about how to come across as reasonable when speaking up at a school-board meeting against the dogmatic teaching of Darwinian evolution. People who only want unbiased, honest science education that sticks to the evidence are bewildered by the reception they get when they try to make their case. Their specific points are brushed aside, and they are dismissed out of hand as religious fanatics. The newspapers report "creationists" are once again trying to censor science education because it offends their religious beliefs. Why is it so hard for reasoned criticism of biased teaching to get a hearing?

The answer to that question begins with a Jerome Lawrence and Robert E. Lee play called *Inherit the Wind*, which was made into a movie in 1960 starring Spencer Tracy, Gene Kelly, and Frederic March. You can rent the movie at any video store with a "classics" section, and I urge you to do so and watch it carefully after reading this chapter. The play is a fictionalized treatment of the "Scopes Trial" of 1925, the legendary courtroom confrontation in Tennessee over the teaching of evolution. *Inherit the Wind* is a masterpiece of propaganda, promoting a stereotype of the public debate about creation and evolution that gives all virtue and intelligence to the Darwinists. The play did not create the stereotype, but it presented it in the form of a powerful story that sticks in the minds of journalists, scientists and intellectuals generally.

The Story of the Play

A handsome young science teacher named Bert Cates, dedicated to his students and his teaching, is jailed for violating a state law against the teaching of evolution. Bert is in love with Rachel Brown, also a teacher and the daughter of the Reverend Jeremiah Brown, the most powerful of the local ministers. Reverend Brown is a vicious bigot with no redeeming qualities whatsoever, whose practice of Christian ministry seems to be limited to cursing people like Bert and threatening them with damnation. Rachel herself is a conformist; although she adores Bert, she continually urges him to stop making trouble for himself by speaking out against the community's religious prejudices.

The trial of Bert Cates becomes America's first media circus when Matthew Harrison Brady volunteers to be the prosecutor. Brady, a former presidential candidate, has become an anti-evolution crusader in his declining years. As the town of Hillsboro is preparing to give Brady a hero's welcome, journalist E.K. Hornbeck arrives from Baltimore. Hornbeck is a familiar movie character: the hard-boiled reporter who makes sarcastic comments about events on stage, a bit like the chorus in an ancient Greek drama. The townspeople provide him many opportunities to exercise his wit, as they display their ignorance and vulgarity while mindlessly singing choruses of "Give Me That Old-Time Religion."

Brady eventually arrives, makes a phony-sounding speech, eats picnic food like the glutton he is, and generally shows himself to be a pompous old fool. He is also sneaky. After meeting with the Reverend Brown and learning that Rachel Brown is friendly with Bert Cates, he induces the gullible Rachel to confide in him about ideas Bert has shared with her in confidence. Brady treacherously intends to use these against Bert in court, and even to call Rachel as a prosecution witness against her future husband.

The Brady welcoming banquet is interrupted by the news that the famous Henry Drummond is coming to be the defense lawyer. Drummond is another familiar movie character: the fearless advocate who fights for justice against seemingly hopeless odds. As the trial begins

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we see him trying to counter the religious prejudice of the community and the court. His every witticism strikes home, just as every feeble attempt by Brady to score a point backfires. If the deck in Hillsboro is stacked heavily against Drummond, the deck in Hollywood is stacked just as heavily in his favor. This black-and-white morality play could not be starker: all intelligence and goodness are on the side of Drummond and Cates, all folly and malice belong to Brady and Brown.

Although the defense is pure in mind and heart, it has an impossible legal position. Bert admits that he taught evolution, and that is what the law forbids. The prosecution proves its case by making some reluctant students testify that they were taught evolution. Brady unnecessarily supplements this evidence by forcing Rachel to testify to Bert's dangerous opinions, of which the most dangerous is this: "God created man in his own image, and man, being a gentleman, returned the compliment." Rachel's testimony has no legal significance, but its dramatic purpose is to underscore Bert's kindness and decency. He forgives Rachel and puts himself at risk by forbidding Drummond to upset her with cross-examination. Drummond has brought several scientific and theological experts to Hillsboro to testify that Darwinism is scientifically valid and no danger to a properly rational religion. The judge rules the expert testimony inadmissible, thus leaving the defense temporarily at a loss.

Drummond brilliantly saves the situation by calling his adversary Brady to the witness stand as an expert on the Bible. The judge correctly points out that this testimony is also irrelevant to the question whether Bert violated the law, but Brady is so conceited he insists on taking the stand to show he can defeat the unbeliever. Drummond skillfully takes advantage of Brady's overconfidence. After some preliminary sparring about details like Jonah and the whale, Drummond stuns Brady by pointing out that the biblical patriarchs did their "begetting" by sexual intercourse. Apparently Brady had not thought of this embarrassing but undeniable fact, and he blurts out that the Bible calls sex "original sin." The dramatic point, of course, is that Bible believers are killjoys and prudes who want to abolish sex.

Eventually a rattled Brady concedes that since the first day of creation occurred before the sun existed, it might have been longer than twenty-four hours. Drummond seizes on this concession to demolish Brady's confidence, and gets Brady to talk such obvious nonsense that even his supporters laugh at him. The day ends in a spectacular victory for the defense.

None of this has anything to do with the legal issue, so the jury returns a guilty verdict the next day anyway. The town fathers are sufficiently embarrassed by the fiasco, however, that they pressure the judge to impose a nominal fine in the hope that this will end the publicity. Bert refuses to pay the fine and vows to go on speaking up for truth and freedom. Brady desperately attempts to retrieve the situation with another speech and is so upset by his own incoherent rant that he has a stroke and dies on the spot. Rachel tells Bert that she has decided to start thinking for herself, which in the context of the play seems to mean that she will accept Bert's way of thinking instead of her father's. The two lovers decide to leave town and get married. Love and reason thus overcome prejudice and bigotry.

As the play ends, Drummond is left alone on the stage courtroom with his reflections. According to the stage directions, he picks up a copy of Darwin's *Origin of Species* and a copy of the Bible, "balancing them thoughtfully, as if his hands were scales. He half-smiles, half-shrugs." Then he jams the two books together into his briefcase. The symbolism tells us that the Bible and Darwin can balance each other, if we allow Henry Drummond to do the balancing.

The Scopes Trial: What Really Happened

As the authors of *Inherit the Wind* admit in their preface, the play is not history. That is an understatement. The real Scopes trial was not a serious criminal prosecution but a symbolic confrontation engineered to put the town of Dayton, Tennessee, on the map. The Tennessee Legislature had funded a new science education program, and, to reassure the public that science would not be used to discredit religion, had included as a symbolic measure a clause forbidding the teaching of evolution. The governor who signed the bill, realizing that any prosecution would be an embarrassment, predicted that the law would not be enforced. The American Civil Liberties Union wanted a test case, however, and advertised for a teacher willing to be a nominal defendant in a staged prosecution. Local boosters in Dayton took up the offer in the hope that the mock trial would be good for business. The volunteer defendant, John T. Scopes, was a physical education teacher who taught biology briefly as a substitute. He was never in danger of going to jail.

Local prosecutors fell in with the scheme and obligingly obtained an indictment against Scopes, respectfully declining the ACLU's offer to pay the costs of the prosecution. The trial got out of hand and became a media circus when William Jennings Bryan volunteered to speak for the prosecution and Clarence Darrow volunteered to be the defense lawyer. Darrow, fresh from a sensational murder trial in Chicago, was

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also nationally famous as an agnostic lecturer. Bryan, a three-time Democrat presidential candidate, was no reactionary but a progressive politician who had led battles to protect working people and farmers from the excesses of big business. His reasons for opposing Darwinism appealed to many liberals and socialists in his day, as they still would. Bryan had seen Darwinism used in America to justify unrestrained capitalism, and in Germany to justify the brutal militarism that led to World War I.

Like Bryan, Clarence Darrow was a friend of labor unions and an opponent of unrestrained capitalism. He was also a materialist and a determinist who defended his clients by denying that they possessed free will. Darrow did not want to balance the Bible with evolutionary science; he wanted to get rid of religion and replace it with science and agnostic philosophy. On the other hand, Bryan truly was a scientific ignoramus, and the wily Darrow really did make a fool of him. If Darrow had wanted, he probably could just as easily have made the leading evolutionary scientists of the day look foolish. For example, some of these scientists confidently cited the fraudulent Piltdown Man and the tooth of "Nebraska Man" (which turned out to be from a kind of pig) as proof of human evolution. If Bryan was confused about the evidence for evolution, he had a lot of respectable company.

What the Play Means

I won't go any further into the discrepancies between the play and history, because the play has had so much impact that its story is more important than what really happened. The play is not primarily about a single event; it is about the modernist understanding of freedom. Once upon a time, the story says, the world was ruled by cruel religious oppressors called Christians, similar to the wicked stepmother and stepsisters in "Cinderella," who tried to prevent people from thinking and from marrying their true love. Liberation from this oppression came *via* Darwin, who taught us that our real creator was a natural process that leaves human reason free to make up new rules whenever we want.

Read that way, *Inherit the Wind* is a bitter attack upon Christianity, or at least the conservative Christianity that considers the Bible to be in some sense a reliable historical record. The rationalists have all the good lines and all the virtues. Brady and Brown are a combination of folly, pride, and malice, and their followers are so many mindless puppets. One would suppose from the play that Christianity has no program other than to teach hatred. At the surface level the play is a smear, although it smears an acceptable target and hence is considered suitable for use in public schools.

Just how ugly the smear is came home to me the first time I saw the movie, in a theater next to Harvard University (at a time when I would have called myself an agnostic). The demonstrative student audience freely jeered at the rubes of Hillsboro, whooped with delight at every wisecrack from Hornbeck or Drummond, and reveled in Brady's humiliation. It occurred to me the Harvard students were reacting much like the worst of the Hillsboro citizens in the movie. They thought they were showing how smart they were by aping the prejudices of their teachers and by being cruel to the ghost of William Jennings Bryan — who was probably a much better man than any of them. Maybe Hillsboro isn't just Dayton, Tennessee. Maybe sometimes it's Harvard or Berkeley.

Maybe Hillsboro isn't just Dayton, Tennessee. Maybe sometimes it's Harvard or Berkeley.

The Story Told Another Way

That memory has stayed with me, and shows there may be more than one way to interpret the play. I've told the bare bones of the story literally; now let me retell the story at a different level, with just a tad of artistic license: A brilliant young teacher develops a following because he has exciting ideas that open up a new way of life. His friends and students love him, but the ruling elders of his community hate the very thought of him. These elders are themselves cruel hypocrites who pile up burdens on the people and do not lift a finger to help them. The elders rule the people by fear and are themselves ruled by fear. They substitute dogmas and empty rituals for the true teaching they once knew, which commands truth and love as its first principles.

The elders want to destroy the teacher who threatens their control over the people, but his behavior and character are so exemplary that they can find no fault to justify condemning him. They plan to entrap him by convincing one of his closest friends to betray him. Eventually they are able to arrange a rigged legal proceeding and get a guilty verdict. Their victory is empty, however. The teacher wins even when he apparently loses, and he sums up his teaching in these words: "You shall know the truth, and the truth shall make you free."

Of course, Bert Cates is not Jesus, although the play does portray him as virtually sinless. It would be more

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accurate to say that the authors aimed to give Cates and Drummond the virtues of Cinderella and Socrates. My point is that even this most seemingly anti-biblical of dramas achieves its moral effect by borrowing elements from the gospel, which is the good news of how we can be delivered from the power of sin. Sin has power over us in many ways, and one of them is through the mind control practiced by fearful and hypocritical religious authorities. The independent mind that overthrows such oppressive power is good news for everyone but the oppressor.

Inherit the Wind is therefore probably truer than its authors knew. There is nothing wrong with its basic story of liberation. That story itself becomes a vehicle of oppression, however, when it invites the people with power to cast themselves as the liberators. It's like the liberators of the former Soviet Union calling themselves the champions of the poor working man. Whatever may have been the case a long time ago, by the time the movie was made Bert Cates and Henry Drummond were the ones with the power to shut other people up.

Owning the Microphone

My summary of *Inherit the Wind* left out an event I now want to bring into the picture. When Henry Drummond is humiliating Matthew Harrison Brady on the witness stand, he accuses Brady of setting himself up as God by presuming to suppress freedom of thought in others. Drummond warns Brady that someday the power may be in other hands, saying, "Suppose Mr. Cates had enough influence and lung power to railroad through the state Legislature a law that only *Darwin* should be taught in the schools!"

That possibility may have seemed remote in Hillsboro, but of course it is exactly what happened later. The real story of the Scopes trial is that the stereotype it promoted helped the Darwinists capture the power of the law, and they have since used the law to prevent other people from thinking independently. By labeling any fundamental dissent from Darwinism as "religion," they are able to ban criticism of the official evolution story from public education far more effectively than the teaching of evolution was banned from Tennessee schools in the 1920s.

Occasionally a dissenter from Darwinism threatens to take over the role of Bert Cates. Here is one example: Danny Phillips was a fifteen-year-old high-school sophomore in the Denver area who thought for himself. His class was assigned to watch a *Nova* program, produced with government funds for National Public Television, which stated the usual evolutionary story as fact. Its story went something like this: "The first organized form of primitive life was a tiny protozoan .... From these one-celled organisms evolved all life on earth."

Science education today encourages students to memorize that sort of naturalistic doctrine and repeat it on a test as fact. Because Danny has a special interest in truth, however, and because his father is pastor of a church that has an interest in questioning evolutionary naturalism, Danny knew that this claim of molecule-to-man evolution goes far beyond the scientific evidence. So he wrote a lengthy paper criticizing the *Nova* program as propaganda. School administrators at first agreed that Danny had a point, and they tentatively decided to withdraw the Nova program from the curriculum. That set off a media fire storm.

Of course Danny was making a reasonable point. The doctrine that some known process of evolution turned a protozoan into a human is a philosophical assumption, not something that can be confirmed by experiment or historical studies of the fossil record. But the fact that administrators seriously considered any dissent from evolutionary naturalism infuriated the Darwinists, who flooded the city's newspapers with their letters. Some of the letters were so venomous that the editorial page editor of the *Denver Post* admitted that her liberal faith had been shaken. She wrote that "these defenders of intellectual freedom behaved, in fact, just like a bunch of conservative Christians. Their's was a different kind of fundamentalism, but no less dogmatic and no less intolerant."

In other words, at least one editor wasn't sure who was playing what role in the revival of *Inherit the Wind.* When Danny's story appeared on CBS television a little later, however, an experienced Darwinist debater named Eugenie Scott was careful to cast Danny as the opponent of learning. She argued, "If Danny Phillips doesn't want to learn evolution, ... that's his own business. But his views should not prevail for eighty thousand students who need to learn evolution to be educated." When evolution is the subject, questioning whether the official story is true is enough to make you an enemy of education.

This manufactured image of a high-school sophomore censoring science education replaced the real Danny Phillips on national television, just as *Inherit the Wind* replaced the real Scopes trial. What Danny said when he got a chance to speak for himself was reported only in a local paper. He said, "Students' minds are to be kept open and not limited by a set of beliefs." That is exactly the right line to take, and Danny had for a moment a partial success in getting past the microphone owners. The CBS network and the Denver school board decided against Danny in the end — but then, the Hillsboro jury also decided against Bert Cates. All they inherited was the wind. CPR

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CRITICUS

Wisest and Best

Owen Barfield, the Last Inkling

BY G.B. TENNYSON

There hath passed away a glory from the earth.
— Wordsworth

IT WAS in the second half of the nineteen-sixties when college campuses were in turmoil with student uprisings and other high crimes and misdemeanors that a more reflective than activist segment of the academic world, and to some extent of the general intellectual world, discovered a new and arresting voice. It was speaking to them through an extraordinary book titled *Saving the Appearances.* Thirty years later there are those who can tell you where they were when they first read that book. One such recently told me that he remembers coming upon *Saving the Appearances* in the Bancroft Library at UC Berkeley and reading it enraptured at a single sitting. In my own case a graduate student at UCLA (they were still literate then) told me that, based on some remarks I had made in class, I might want to look at an author who was saying some similar things. He was too polite to add that the author in question was also saying these things much better. The author in question was Owen Barfield. This past December 14 Barfield died in Forest Row, East Sussex, England, at the age of 99. For those who knew his work, and even more for those of us who were lucky enough to know him personally as well, the death came too soon, however strange that may sound in speaking of one who lived virtually a full century.

Barfield was the last of the Oxford Inklings, that extraordinary group of writers and thinkers that included C.S. Lewis and J.R.R. Tolkien as its best known members, but also a rich gathering of others. Among those others were the novelist and poet Charles Williams; the mediaevalist who rendered Chaucer into modern English for both book and stage, Nevill Coghill; the biographer and man of letters, Lord David Cecil; the historian of seventeenth century France and devoted recorder of his brother's life, Major Warren H. Lewis. There were yet others, full- or part-time Inklings, who were notable Oxford dons, or students of the Inklings themselves, such as the scholars J.A.W. Bennett and C.L. Wrenn, the poet Adam Fox, the novelist John Wain, and the Tolkien scholar, J.R.R.'s son, Christopher Tolkien. Humphrey Carpenter's book *The Inklings* (1978) lists nineteen Inklings names in its biographical register quite apart from those who were peripherally involved with the group.

WHAT MADE the Inklings so special was not only the literary luster of its most visible members like Lewis and Tolkien, but that the group as a whole and despite its individual differences stood apart from, and indeed in opposition to, the nihilistic philosophy that has

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dominated so much of twentieth-century thought in western culture. Although C.S. Lewis is rightly regarded as the heart and soul of the Inklings as a conscious gathering, the true begetter of the original shift in outlook away from the dominant materialism of the age was Owen Barfield. He it was who in the early twenties embraced the holistic philosophy of Rudolf Steiner, which includes as a central dimension a belief in Christianity. It was Barfield's shift as much as any single external force that led Lewis away from materialism and eventually to Christianity and a career as a defender of the faith without equal in this century.

Owen Barfield

IN HIS autobiography, *Surprised by Joy,* Lewis called Barfield his "Second Friend," distinguishing such from one's "First Friend," who is the one who agrees with you about everything. The Second Friend, Lewis wrote, is a kind of "anti-self." Lewis explains: "Of course he shares your interests; otherwise he would not become your friend at all. But he has approached them all at a different angle. He has read all the right books but has got the wrong thing out of every one. It is as if he spoke your language but mispronounced it." And yet, Lewis acknowledged that after years of verbal and written disputation between the two of them during the nineteen-twenties, Barfield had been a profound influence upon him: "I think he changed me a good deal more than I him." Barfield dedicated his book of the late twenties *Poetic Diction* to Lewis with the Blakean inscription, "Opposition is true friendship." Lewis returned the compliment with the dedication of his 1936 *Allegory of Love* to Barfield, calling him the "wisest and best of my unofficial teachers."

For the rest of Lewis's life (he died in 1963), Barfield remained a staunch friend, but he lived in London and Lewis in Oxford, so they did not see one another constantly as they had in their student years. Thus Barfield was only an occasional participant in the meetings of the Inklings, though he believes the actual genesis of the group that would in the thirties take that name began in the twenties when he and Lewis and a few others met with some frequency in Lewis' Oxford rooms. But Barfield's life took a different turn from the academic world that Lewis and most of the Inklings knew. Barfield became an attorney in London, raised a family, and was for thirty years too busy as a solicitor for writing to be anything more than a part-time activity. The great promise he showed in the twenties when he published a fantasy fairy tale (preceding Tolkien and Lewis by decades) and two brilliant literary studies, *History in English Words* and *Poetic Diction,* was only sporadically evident in the thirties, forties, and early fifties with *Romanticism Comes of Age* and *This Ever Diverse Pair.*

By 1957, however, Barfield was closing out his legal career, and after 1959 he was able to devote his full attention to his writing. It was in 1957 in England but not until 1965 when it appeared in America that *Saving the Appearances* brought Barfield the kind of audience that would cause bright graduate students to sit all day in college libraries reading his works. From the sixties into the nineties Barfield, in his sixties to nineties, published a roster of works that would have been impressive coming from an author half his age, or an author of any age: *Worlds Apart; Unancestral Voice; Speaker's Meaning; What Coleridge Thought; The Rediscovery of Meaning; History, Guilt, and Habit; Orpheus; Owen Barfield on C.S. Lewis;* and *A Barfield Sampler* are the main book titles. There were also many articles, reviews, and some translations. Additionally he spent many terms as visiting professor at American universities and lectured at institutions throughout North America. Just as *Saving the Appearances* came to be viewed by its readers, in the words of poet Howard Nemerov, "not only as a secret book, but nearly as a sacred book," so Barfield became a cult figure, but in the best sense of the term.

THE THOUGHT of Owen Barfield cannot be encapsulated in a single sentence, but in working on the documentary video about him, *Owen Barfield: Man and Meaning* (1995), Criticus identified some central terms associated with his thinking which can give some of its flavor: Imagination, Metaphor, the Mind (Logos), Thinking about Thinking, Participation, Collective Representations, and the Evolution of Consciousness. Out of his study of words, language, and literature, Barfield devel-

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oped his concept of the "evolution of consciousness," which is the way in which the human mind and human thinking have developed over time from an initial unity with Nature to the modern division and separation from Nature. The healing of the breech will require the exercise of the Imagination in order to understand the ultimately spiritual nature of reality. If that be but too brief a statement, the solution is to read the two central Barfield works, *Poetic Diction* and *Saving the Appearances.*

The true begetter of the Inklings' original shift in outlook away from the dominant materialism of the age was Owen Barfield.

CRITICUS WAS privileged to write the first essay ever published on Barfield (in the *Southern Review* in 1969) and, curiously, the last published on him in Barfield's lifetime (a piece in the British *Catholic World Report* in 1997). In between, Criticus was even more privileged to come to know Owen Barfield personally and in time to think of him first as a friend, second as a thinker and writer, though Barfield's friendship and his thought were warp and woof of one rich cloth. For Barfield had that capacity to attract as friends those who appreciated his thought, a capacity that also distinguished his lifelong friend Lewis. But the styles were entirely different — Lewis the convivial host, vigorous conversationalist, hearty declaimer of yards of poetry he had by heart, a great north wind — and Barfield the quietly serene presence, delighting in the talk of others, eager to hear one out, posing now and again one of those questions or observations that totally altered one's thinking even about one's own subject, a beneficent and nourishing favonian breeze.

For all but the past decade after his retirement from the law Barfield lived outside London in Kent in a house called Orchard View, which I noted (in *Owen Barfield on C.S. Lewis)* "lies not far off the ancient Pilgrim's Way to Canterbury," the route that mediaeval pilgrims walked on their way to pray at the shrine of St. Thomas à Becket. Many modern pilgrims went to Orchard View, not exactly to pray, but certainly to be in the presence of a most extraordinary mind and a most extraordinarily gracious human being. When the pressures of age required that he seek a less demanding residence, Barfield moved, aged 88, to a retirement hotel (not a nursing home) in East Sussex. Even there, however, the stream of visitors did not dry up; neither did the mental acuity and capacity for highly intelligent conversation on Barfield's part. He played a wicked game of chess until late in life, and Criticus and Barfield used to do the *Telegraph* crossword puzzle together, each with his own copy, calling out solutions to the other, with Barfield, until the very last years, showing how it was really done by writing his answers in ink. If you think that's nothing much for a man in his nineties, puzzle me this one (which, if not one we jointly encountered, is representative of the species): "novelist confronted by a monster makes a tasty morsel (10 letters)."

In the garden of the Walhatch, Barfield's final residence, stands an immense chestnut tree, of the kind now virtually extinct in the eastern United States where once it flourished but still to be found in abundance in northern Europe. The tree is often seen in the background when the doves circle above the garden and the parapets in *Owen Barfield: Man and Meaning.* Over the years we used to admire it, looking at it especially when it was in rich bloom in the spring or with the full weight of the chestnuts in the fall. We used to quote Yeats's lines in "Among School Children" when he ponders the nature of unity: "O chestnut-tree, great rooted blossomer / Are you the leaf, the blossom, or the bole?" In one way Barfield was like the great tree: his life, thought, and being were as much a unity as the rooted blossomer in the garden. In another way, he was an Ariel, more like a spirit than a tree. In his youth Barfield was a dancer. He once performed with his future wife to a nocturne in the garden of Wadham College where he was a student. Much as he was a rooted blossomer, he was also an intellectual and spiritual motion, a movement and a harmony, such as Yeats captures in his final lines:

O body swayed to music,
O brightening glance,
How can we know
the dancer from the dance?

CPR

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A 24-Year-Old Canadian Girl

In The Russian Wilderness

BY SI FRUMKIN

IN 1939 Churchill said, "I cannot forecast to you the action of Russia. It is a riddle wrapped in a mystery inside an enigma." Sir Winston was right as usual. Neither he nor anyone else could have predicted the changes that took place in Russia during the next 50 years. His characterization of Russia, however, remains as accurate today as it was then: it still is a riddle, a mystery, an enigma.

There are some few brave souls among us who are willing to probe mysteries, to discover what is hidden and tell the tale to the rest of us. One such is an unlikely successor to the macho males who crossed the seas, prowled the jungles, and trekked through snowy wastes: a bright, young, attractive 20-something who decided that the life of a journalist in her native Canada or in the United States wasn't challenging enough for her.

At the age of 24 — five years ago — Jennifer Gould gave up a good job at the *Philadelphia Inquirer* to jet to Russia. She spoke no Russian, knew no one there, had no job waiting for her. She stayed. She survived. She had adventures — some horrifying, others funny, all of them providing a remarkable insight into the functioning of a society that is in the process of reinventing itself. The end result of this process is unpredictable but it is important that we learn as much as we can about what is happening there. Russia is a giant that has never been able to govern itself efficiently, a nation of talented and educated people coexisting with cruel, criminal sociopaths, potentially a friend or once again a feared enemy.

Jennifer Gould's book is must reading for anyone who wants to attempt to understand what has been happening there for the last five years. She came there just in time to witness the beginnings of *glasnost* and *perestroika*, the growth of private enterprise, the unregulated machinations of the new robber barons and their unofficial armies, the corruption and radicalization of demagogue politicians. She witnessed much, had wonderful adventures, and wrote about all of it.

Vodka, Tears and Lenin's Angel
A Young Journalist Discovers the Former Soviet Union

by Jennifer Gould

St. Martin's Press, 1997, 384 pages (with 8 pages of b&w photos), 0-312-15241-8, $25.95, cloth

She learned Russian. She interviewed — and was propositioned by — Zhirinovsky for *Playboy*. She lived with the fighters and their women during the Chechnyan and Georgian blood baths. She investigated the mysterious murder of a highly-ranked CIA executive and interviewed with some of his colleagues. She explored the puzzling connection of the Soros Foundation with the death of a legendary American with Washington connections. She met young generals, Mafia killers, child prostitutes who ply their trade together with their mothers and, sometimes, grandmothers, prisoners serving time for crimes that have since been legalized, the New Rich who control billion-dollar fortunes in Russia and abroad, and accompanied Princess Margaret on her tour of Central Asia.

All this and much more form this remarkable book. I think it is the best account, and the best analysis, of the Soviet Empire and its collapse into the near anarchy today. It reads like an adventure story — because it is — but the reader is educated and informed while being captivated by Jennifer Gould's adventures and by her courage, nerve, pluck, and ability to be in the thick of things whenever something important was happening.

Since its publication the book has become a runaway bestseller in Canada. In the United States it is usually found tucked away under "Biography" or "Current Affairs" in an obscure corner of the megabookstores. Look for it, order it, read it. You won't regret it. Oh yes, if you have trouble locating it, access "Amazon.com" on the Internet. They'll get the book to you within a few days, at a discount of 30 or 40 percent. CPR

Si Frumkin is chairman of the Southern California Council for Soviet Jews, e-mail: esfrumkin@earthlink.net

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The PARENTS RIGHTS Coalition

To Chief Justice Ronald M. George and the California Supreme Court,
California State Legislators, and
Governor Pete Wilson

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John Kurzweil
Director

This letter is occasioned by the California Supreme Court's extraordinary decision in *American Academy of Pediatrics v. Lungren* that overturned California's 1987 parental consent for minor's abortion statute, a decision that Justice Janice Rogers Brown, writing in dissent, said was characterized by an "utter lack of deference to the ordinary constraints of judicial decision-making — deference to state precedent, to federal precedent, to the collective judgment of our Legislature, and, ultimately, to the people we serve."

Brown wrote that "to reach this result, the plurality must ignore the historic limits of the federal Constitution, rewrite the privacy provision of the state Constitution, and abrogate the constitutional interests of parents in an opinion that cannot survive any level of scrutiny, much less strict scrutiny."

Thus this clearly constitutional common sense law merely vanishes at the whim of a one-vote court majority, as though judges, not the people, were sovereign and as though a few individuals' anti-family ideology mattered more than the family itself. The arrogance of these few judges, their evident contempt for the trust the people have placed in them, and the breakdown of civil institutions their actions constitute, require Californians loyal to those institutions and to the blessings they bring to stand up for them against their enemies.

Therefore we signers of this letter, in an effort to remind *all* our public servants that their authority derives solely from the people and that they are responsible to defend, not to attack, our essential social and legal institutions, affirm:

First, that the family is one of our free society's indispensable, bedrock institutions and that, in Justice Stanley Mosk's words, "a parent's right to direct his or her child's upbringing ... [is] among the most basic of civil rights";

Second, that rule of law is another of our free society's indispensable, bedrock institutions and that judges who fail to serve the law abuse their power and betray the peoples' trust;

Third, that Chief Justice Ronald M. George's plurality opinion in *American Academy of Pediatrics v. Lungren* is an attack on the primacy of parents' authority in raising their minor children and on the right of the people to self-government; and

Fourth, we pledge our unwavering support to informing all Californians of what the court has done and why this opinion must be reversed.

_____ _____

Signed *please print name* *date*

_____ _____

Mailing address: City *State and Zip* *daytime telephone*

_____ *yes, I would (or* _____ *no, I would not) like to receive further information about the Parents Rights Coalition. For a one-year subscription to the Coalition's weekly 1-page FAX report (the "Bulletin"), enclose $25.00 payable to California Public Policy Foundation and write your 24-hour dedicated FAX number here:*

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